# SUPREME COURT OF THE UNITED STATES

## OCTOBER TERM, 1934

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## No. 379

## THE UNITED STATES OF AMERICA, THE INTERSTATE COMMERCE COMMISSION, THE ILLINOIS CENTRAL RAILROAD COMPANY, ET AL., APPELLANTS

VS.

## CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD, BINKLEY COAL COMPANY, ET AL.

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APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS

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INDEX


| | Original | Print |
|---|---|---|
| Record from D. C. U. S., Northern Illinois | A | 1 |
| Caption [omitted in printing] | A | 1 |
| Bill of complaint | 1 | 1 |
| Exhibit A—Report and order of I. C. C., Nov. 8, 1933, Docket No. 3843 | 13 | 11 |
| Notice of hearing, etc | 21 | 13 |
| Intervening petition of Binkley Mining Co., et al | 22 | 14 |
| Order continuing hearing | 32 | 19 |
| Petition of Alton Railroad Co. for leave to intervene | 34 | 20 |
| Order granting Alton Railroad Co. leave to intervene | 37 | 21 |
| Answer of United States of America | 37-A | 21 |
| Answer of Alton Railroad Co | 37-C | 23 |
| Intervention of I. C. C | 38 | 24 |
| Petition for leave to intervene; Illinois Central R. R. Co. et al | 39 | 24 |
| Order continuing hearing | 43 | 26 |
| Answer of Illinois Central R. R. Co., et al | 44 | 27 |
| Order continuing hearing | 46 | 28 |
| Order for interlocutory injunction | 47 | 29 |
| Amended answer of I. C. C | 51 | 31 |
| Appendix I—Report and order of I. C. C., Apr. 18, 1934, Docket No. 3843 | 57 | 34 |
| Opinion, per curiam | 81 | 48 |
| Findings of fact and conclusions of law | 91 | 54 |

| Record from D. C. U. S., Northern Illinois—Continued. | Original | Print |
|---|---|---|
| Final decree | 95 | 56 |
| Stipulation re supplemental pleadings | 96-A | 57 |
| Order designating Judge Lindley as District Judge | 97 | 58 |
| Stipulation re transcript of record and order thereon | 98 | 58 |
| Proceedings before Interstate Commerce Commission, I. & S. Docket 3843 | 102 | 59 |
| Supplement No. 76 to C. M. St. P. & P. R. R. Co. G. F. D. No. 15200-B | 102 | 59 |
| Protest of Illinois Coal Traffic Bureau | 105 | 64 |
| Protest of Consolidated Coal Co. of St. Louis | 108 | 67 |
| Protest of Springfield, Illinois, Coal Traffic Bureau | 110 | 69 |
| Order instituting investigation | 115 | 71 |
| Narrative statement of evidence | 116 | 73 |
| Appearances | 116 | 73 |
| Statement by examiner | 116 | 73 |
| Testimony of— | | |
| J. T. Averitt | 117 | 73 |
| Jonas Waffle | 143 | 90 |
| W. M. Seaberg | 173 | 108 |
| H. A. Rozene | 181 | 114 |
| L. F. Malum | 194 | 122 |
| R. P. De Camp | 203 | 127 |
| Jonas Waffle (recalled) | 213 | 134 |
| George J. Leahy | 221 | 139 |
| Exhibit 1—Statement showing tariff routes, rates and mileages, etc | 229 | 143 |
| Exhibit 2—History of rates on bituminous coal | 230 | 144 |
| Exhibits 3 and 4—Statements showing comparison of distances | 233 | 145 |
| Exhibit 5—Map showing coal producing groups in Illinois, Indiana, and western Kentucky | 237 | 148 |
| Exhibit 6—Statement showing distances and rates, etc | 238 | 149 |
| Exhibit 7—Map showing location of C. M. St. P. & P. stations involved in I. & S. Docket 3843 | 239 | 149 |
| Exhibits 8 and 9—Statements of average distances via "Short Tariff Routes" between various points | 240 | 149 |
| Exhibit 10—Statement of composite average distances over "Short Tariff Routes" between various points | 247 | 159 |
| Exhibits 11 and 12—Scales of rates on bituminous coal | 248 | 160 |
| Exhibits 13 to 20—Comparisons of rates and distances between various points | 250 | 163 |
| Exhibit 21—Reproduction of mileages shown from Southern and Central Illinois, etc | 258 | 170 |
| Exhibits 22 and 23—Statements of rates, distances, and differentials between various points | 262 | 173 |
| Exhibit 24—Recapitulation of constructed Indiana rates, etc | 267 | 181 |
| Exhibit 25—Statement showing average spread in distance, etc | 268 | 181 |
| Exhibit 26—Statement of differentials in effect between various coal fields | 269 | 182 |

| | Original | Print |
|---|---|---|
| Record from D. C. U. S., Northern Illinois—Continued. | | |
| Proceedings before Interstate Commerce Com.—Con. | | |
| Narrative statement of evidence—Continued. | | |
| Exhibits 27 to 29—Statements showing distances between various points in Illinois and Indiana via different routes | 270 | 183 |
| Exhibit 30—Statement showing recapitulation of rates and distances to Rockford, Freeport, and De Kalb, Illinois | 303 | 201 |
| Exhibits 31 and 32—Statements showing commercial mines in Southern Illinois and statistics relating thereto | 304 | 202 |
| Exhibit 33—History of rates and differentials on bituminous coal to Freeport, Illinois | 310 | 204 |
| Exhibit 34—Detailed statement showing average distance from all mines in Springfield group to Rockford, Illinois, via shortest tariff routes | 313 | 206 |
| Exhibit 35—Detailed statement showing average distance from all mines in Springfield group to Freeport, Illinois, via shortest tariff routes | 320 | 209 |
| Exhibits 36 and 37—Statements showing distances via shortest tariff route, from mines in Springfield group to Rockford and Freeport, Illinois | 327 | 212 |
| Exhibits 38 and 39—Statements showing distances, present and proposed rates, etc | 331 | 214 |
| Exhibits 40 to 42—Statements showing rates on bituminous coal | 333 | 215 |
| Exhibit 43—Statement showing number of tons of bituminous coal received at Rockford, Illinois | 336 | 217 |
| Exhibit 44—Statement of shipments during calendar year 1931 from each Southern Illinois mine via origin roads serving the mine | 337 | 218 |
| Exhibit—List of origin points in Brazil-Clinton, Linton-Sull[illegible] Central and Southern Illinois from which mileages shown in exhibits 8 and 9 were computed | 338 | 220 |
| Report and order, Nov. 8, 1933 (copy) [omitted in printing] | 342 | 222 |
| Petition for rehearing, reargument, and reconsideration before entire Commission, etc | 346 | 223 |
| Order postponing effective date of order | 347 | 230 |
| Order denying petition for rehearing, reargument, and reconsideration | 348 | 231 |
| Notice of appeal | 349 | 231 |
| Notice to Attorney General of Illinois | 351 | 232 |
| Petition for appeal | 353 | 233 |
| Assignments of error | 355 | 233 |
| Order allowing appeal | 358 | 235 |
| Summons and severance | 359 | 235 |
| Docket entries | 361 | 236 |
| Praecipe for transcript of record | 363-A | 237 |
| Clerk's certificate [omitted in printing] | 367 | 239 |
| Citation and service [omitted in printing] | 368 | 239 |
| Statement of points to be relied upon and designation as to printing record | 370 | 239 |

[Caption omitted.]

1 In United States District Court for the Northern District of Illinois, Eastern Division

In Equity No. 13726

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, plaintiff

*vs.*

UNITED STATES OF AMERICA, DEFENDANT

*Bill of complaint filed February 14, 1934*

*To the Honorable Judges of the District Court of the United States for the Northern District of Illinois, Eastern Division:*

Comes now the plaintiff and for its cause of action against the defendant, states:

I

That plaintiff is a corporation organized and existing under and by virtue of the laws of the State of Wisconsin; that plaintiff owns and operates lines of railroad in the States of Indiana, Illinois, Wisconsin, and certain other States, and is engaged in the transportation of property and persons for hire, both interstate and intrastate, as a common carrier by railroad, subject to the Interstate Commerce Act; and that plaintiff has its principal office at Chicago, Illinois, in the Northern District of Illinois.

2 II

That among the protestants upon whose petition the order of the Interstate Commerce Commission hereinafter referred to was made, are the following: Alton Railroad Company, an Illinois corporation; Illinois Coal Traffic Bureau, a voluntary association; Illinois Central Railroad Company, an Illinois corporation; and Chicago, Burlington & Quincy Railroad Company, an Illinois corporation; that one or more of said protestants have their principal office and residence in the Northern District of Illinois.

III

That defendant, United States of America, is sued under an act of Congress approved October 22, 1913, known as the Urgent Deficiency Appropriations Act, 38 Stat. L. 219, to enjoin, set aside, and annul a certain order entered by the Interstate Commerce Commission by Division 2 on the 8th day of November 1933 in a proceeding known as Investigation and Suspension Docket No. 3843, instituted by the Interstate Commerce Commission, hereinafter called "the Commis-

sion", by its order of December 22, 1932, upon the protests of certain corporations and associations hereinabove referred to in paragraph II hereof, and others.

IV

That on, to wit, the 22nd day of November 1932 plaintiff filed tariffs with the Commission to become effective December 23, 1932, which tariffs fixed rates of $1.70 per ton on bituminous coal from mines on its railroad in the Clinton district, located in Vermil-
3 lion and Vigo Counties in the State of Indiana, to each of the following destinations, located on its railroad on Northern Illinois, to wit: Bensenville, Woodale, Itasca, Roselle, Ontarioville, Bartlett, Spaulding, Hammond's, Elgin, Almora, McQueen, Pingree Grove, Starks, Hampshire, New Lebanon, Genoa, Kingston, Kirkland, Fairdale, Monroe Center, Davis Junction, Stillman Valley, Byron, Leaf River, Adeline, Forreston, Harper, Rockford, Freeport, Florence, Shannon, Nichols, Wilkinson, Bradt, DeKalb, Chase, Troxel, and Duffin; and which tariffs also fixed rates of $1.75 per ton on bituminous coal from mines on its railroad in the Linton district, located in Vigo, Sullivan, Greene, and Clay Counties, in the State of Indiana, to each of the said destinations in northern Illinois; that said rates of $1.70 per ton and $1.75 per ton, respectively, constitute reductions of 10 cents per ton under the rates theretofore in effect from said Clinton and Linton districts in Indiana to the first eight destinations above set forth, reductions of 4 cents per ton to the last five destinations above set forth, and reductions of 17 cents per ton to the remaining destinations above set forth; that prior to the effective date of said tariffs, certain associations representing coal producing interests in Illinois and certain railroads serving coal mines in Illinois and the Illinois Commerce Commission filed protests with the Commission against the said tariffs and asked the Commission to institute a proceeding inquiring into the lawfulness of the proposed rates and tariffs; that on the 22nd day of December 1932, the Commission entered its order suspending the operation of said proposed tariffs until July 23, 1933, and subsequently the effective date of the said schedules and tariffs was further postponed until February 23, 1934.

4 V.

That for many years prior to August 20, 1930, plaintiff has been engaged in the transportation of bituminous coal from mines in the said mining districts in Indiana to destinations in northern Illinois, including Rockford and Freeport, and the rates applicable for the movement of said coal bore a direct relationship to the rates applicable for the movement of bituminous coal from mines in Illinois to Rockford and Freeport, Illinois; that the rate applicable for the movement of said coal from said Clinton district in Indiana to Rockford, Illinois, was from April 1, 1913, to August 20, 1930, the same as the rate from the so-called Springfield group in Illinois,

to Rockford, Illinois; that in certain proceedings pending before the Illinois Commerce Commission in Dockets Nos. 13568 and 13569, by order of said Illinois Commission effective August 20, 1930, the rates on bituminous coal moving intrastate from origin mines in Illinois to Rockford and Freeport, Illinois, were reduced 17 cents per ton; that following these proceedings before the Illinois Commerce Commission there was instituted before the Interstate Commerce Commission in Docket No. 23130, a proceeding under section 13 of the Interstate Commerce Act, in which it was charged and alleged that the rates required by the Illinois Commerce Commission to be assessed as maxima for the transportation of coal within Illinois from mines in that State to Rockford and Freeport, Illinois, were unlawful as causing undue and unreasonable advantage, preference and prejudice as between persons or localities in intrastate commerce on the one hand, and interstate commerce on the other hand, and as unjustly and unreasonably discriminating against interstate commerce; that said proceeding was heard before
5 the Interstate Commerce Commission, and in its report and order reported in 182 I. C. C. 537, the Interstate Commerce Commission refused to require the said Illinois intrastate rates to be increased. Following this report and decision of the Interstate Commerce Commission, plaintiff filed its proposed schedule of rates on bituminous coal from mines located on its railroad in Indiana to the destinations named in northern Illinois, which said schedules would restore the relationship which had existed for many years prior to August 20, 1930, between the rates from said Indiana mines to the destination territory and the rates from Illinois mines to the same destination territory, and which proposed schedules of rates would permit plaintiff to continue to transport coal from the said Indiana mines in competition with coal transported from Illinois mines.

VI

That the portion of plaintiff's railroad extending from Chicago in a southerly and easterly direction into Indiana and serving the mines in the aforesaid mining districts of Indiana was constructed primarily as a coal-carrying road and is dependent for its successful and profitable operation, to a very large extent, upon the volume of coal traffic handled thereover; that said portion of plaintiff's railroad, prior to acquisition thereof by plaintiff in 1921, was known as the Chicago, Terre Haute and Southeastern Railway Company, the final value of which, for rate-making purposes, as of June 30, 1916, was found by the Interstate Commerce Commission to be $20,150,000.00; that plaintiff has a single line of railway from mines on its railroad in the said Indiana districts to the above-mentioned destinations in northern Illinois and has for many years transported a large volume of coal over its said line from said Indiana
6 districts to the said Illinois destinations; that a substantial portion of said large volume of coal was transported to Rock-

ford, Illinois, and that the volume of coal transported by plaintiff to the destinations hereinabove named has been materially reduced since the entry of said order of August 20, 1930, by the Illinois Commerce Commission, as is illustrated by the following table, showing movements to Rockford, Illinois:

| Year: | *Coal transported to Rockford from Clinton and Linton districts* |
|---|---|
| 1930 | 74,878 Tons |
| 1931 | 47,018 " |
| 1932 | 37,872 " |
| 1933 | 23,449 " |

That during the aforesaid years, 1930, 1931, and 1932, the volume of coal transported to Rockford from the Springfield district in Illinois increased, the volume in 1932 being 146 percent of the volume in 1930.

That for some time after the reduction of the intrastate rates within Illinois on August 20, 1930, the producers of coal in Indiana, in the hope that said long-standing relationship would be reestablished, adjusted their prices of coal so that they could continue to sell coal to consumers located at the aforesaid Illinois destinations; that the Indiana producers can no longer adjust their prices and compete on equal terms with the Illinois producers of coal in their sales to the destinations in northern Illinois, and unless this Honorable Court enjoins, annuls, and sets aside the order of the Commission requiring the cancellation of the proposed rates and schedules, plaintiff will be deprived of thousands of dollars of revenue annually for the transportation of coal and the net income from the operation of plaintiff's said line of railroad will be materially diminished.

7 VII

That by its report and order of November 8, 1933, the Commission by division 2 required the proposed schedules and tariffs to be canceled on or before the 22nd day of January 1934. A copy of said report and order is hereto attached, marked " Exhibit A", and hereby made a part hereof. That on January 3, 1934, plaintiff filed with the Commission its petition for rehearing, reargument, and reconsideration before the entire Commission, and for an extension of the effective date of said order; that on January 5, 1934, the Commission postponed the effective date of said order to February 22, 1934; and that on February 5, 1934, the Commission denied plaintiff's petition for rehearing, reargument, and reconsideration.

VIII

Plaintiff avers and charges that said order of the Commission by division 2 entered in the Investigation and Suspension Proceeding No. 3843, on the 8th day of November 1933, herein complained of and set forth in full as exhibit A, is null and void and should be set aside for the following reasons:

(a) Division 2 misconstrued the law and erred in holding that the burden of justifying said proposed rates was upon the plaintiff railroad company, and in requiring plaintiff to sustain such burden, whereas no such burden is imposed under the law upon railroad companies proposing reduced rates.

(b) Division 2 acted beyond the scope of its authority and erred in entering its order requiring cancellation of the tariffs without a finding that the rates proposed therein were unlawful in violation of some section of the Interstate Commerce Act.

8 (c) Division 2 acted beyond the scope of its authority and erred in entering its order requiring cancellation of the tariffs, as the evidence in the record was wholly insufficient to justify a finding that the rates proposed were unlawful in violation of the Interstate Commerce Act.

(d) Division 2 erred in entering its order requiring cancellation of the tariff fixing rates to each of the above-mentioned thirty-eight (38) destinations in Illinois, for the reason that the Commission gave consideration only to the mileage and service to the two most distant destinations from the origin points, to wit: Rockford and Freeport, and failed to give any consideration to the facts of lesser mileages and different service to the remaining thirty-six (36) destinations.

(e) Division 2 erred in entering its order requiring the cancellation of the tariff-fixing rates to each of the above-mentioned destinations in Illinois and in basing its decision on evidence of average distances from all mines on all railroads in said Clinton and Linton origin groups, to Rockford and Freeport, instead of on average distances from all mines on plaintiff's railroad in said origin groups to each of the thirty-eight (38) destinations hereinabove referred to.

(f) Division 2 erred as a matter of law in denying plaintiff its natural geographical advantage and in holding that plaintiff, which transports over its single line short route approximately ninety-five percent (95%) of the coal moving from the aforesaid origin groups in Indiana to the aforesaid destinations in Illinois, cannot establish a rate, not found by the Commission to be unlawful or in violation of the Interstate Commerce Act, because such rate might be unreasonably low or unlawful if established by other carriers that

9 transport approximately only five percent (5% of the tonnage from said origin groups in Indiana to the aforesaid destinations in Illinois, over their more circuitous two- and three-line routes.

(g) Division 2 erred in entering its order requiring the cancellation of said tariff, for the reason that said order requires plaintiff to assess charges for the transportation of coal from the Indiana origin points named to the destinations in northern Illinois via its single line, which are relatively higher, distance considered, than the rates in which plaintiff is compelled to join with other railroad companies for the movement of coal from Illinois mines to the same destinations; and for the further reason that rates proposed by

plaintiff in the tariff ordered to be canceled are relatively higher, distance considered, than the rates in which plaintiff is compelled to join with other railroad companies for the movement of coal from Illinois mines to the same destinations.

(h) Division 2 erred in entering the order requiring the cancellation of the tariff because said order was based upon mere surmise and conjecture and not upon any evidence as to what would result in the event the rates proposed by plaintiff were permitted to go into effect.

(i) The order of Division 2 in that, with no finding that the proposed rates are unreasonable, discriminatory, prejudicial, or otherwise unlawful, it deprives the plaintiff of the right to exercise managerial judgment in reducing rates and in that it deprives the plaintiff of the right to meet competition on an equal rate basis, is abritrary and unreasonable, is based on an erroneous theory of law and is an order that transcends the lawful functions and powers of the Commission.

10

## IX

Plaintiff further avers and charges that the Commission in denying as aforesaid the plaintiff's petition for rehearing, reargument, and reconsideration before the entire Commission, filed January 3, 1934, acted arbitrarily and unreasonably.

## X

Plaintiff further avers that if the order of the Commission by Division 2 directing the cancellation of the tariff publishing the reduced rates is permitted to become effective, plaintiff will be irreparably injured and damaged, and that unless said order is enjoined and set aside by this honorable court, said order will become effective February 22, 1934.

## XI

That plaintiff has no adequate remedy at law.

Wherefore, inasmuch as your plaintiff is remediless in the premises at law and relievable only in a court of equity, plaintiff prays as follows:

1. That this bill of complaint be received and filed, that a writ of subpoena be issued by the clerk of the court, as provided by law, commanding the United States of America to appear and defend this action and answer this bill of complaint, but not under oath, the answer under oath being hereby expressly waived;

2. That a preliminary or interlocutory order or injunction be entered restraining and suspending the enforcement, operation, and execution of the order of the Commission by Division 2

11 dated the 8th day of November 1933 in investigation and suspension docket no. 3843, and that defendant, its officers and agents be enjoined and restrained from enforcing said order until final determination of this cause;

3. That upon final hearing herein, a decree be entered perpetually enjoining, suspending, annulling, and setting aside the enforcement, operation, and execution of the order of the Commission by division 2, dated the 8th day of November 1933 in investigation and suspension docket no. 3843, and that defendant, its officers and agents, be perpetually enjoined and restrained from enforcing said order;

4. That the judge of this court call to his assistance two other judges, one of whom shall be a circuit judge, and that upon five days' notice of the time and place of hearing being given to the Attorney General of the United States and the Interstate Commerce Commission, this court proceed to hear and determine the aforesaid application, as provided by law;

5. That plaintiff have such other and further relief in the premises as the nature of the case shall require, and to this court shall seem meet.

O. W. DYNES,
M. L. BLUHM,
C. L. TAYLOR,
*Solicitors for the Plaintiff.*

J. N. DAVIS,
*Of Counsel.*

12 [*Duly sworn to by J. T. Averitt, jurat omitted in printing.*]

13 *Exhibit A to bill of complaint*

Interstate Commerce Commission

Investigation and suspension Docket No. 3843, coal from Indiana to Illinois

Submitted October 5, 1933. Decided November 8, 1933

Proposed reduced rates on bituminous coal, in carloads, from mines on the line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in the Brazil-Clinton and Linton-Sullivan origin groups in Indiana to Rockford and Freeport, Ill., and to certain points intermediate thereto found not justified. Suspended schedules ordered canceled and proceeding discontinued.

C. L. Taylor, J. N. Davis, Jones Waffle, M. F. Gallagher, and E. B. Wilkinson for respondent.

Guy A. Gladson, John T. Quisenberry, R. P. DeCamp, J. A. Behrle, J. E. Flansburg, Leo P. Day, John A. Connors, R. B. Battey, G. H. Shafer, W. Y. Wildman, L. F. Malum, C. B. Cardy, W. E. Rosenbaum, and C. S. Bather for protestants.

Report of the Commission

Division 2, Commissioners Aitchison, Porter, and Tate

TATE, *Commissioner:*

Exceptions to the proposed report were filed by respondent to which replies were made by the protesting carriers and by the Illinois Coal Traffic Bureau, and the case was orally argued.

By schedules filed to become effective on December 23, 1932, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, hereinafter called the Milwaukee, proposed to reduce the rates on
14 bituminous coal, in carloads, from mines on its line in the Brazil-Clinton and Linton-Sullivan origin groups in Indiana to Rockford and Freeport, Ill., and to certain points intermediate thereto in that State. Upon protests filed by the Illinois Commerce Commission certain competing carriers and individual operators and coal-mining organizations in Illinois the schedules were suspended until July 23, 1933. By voluntary action of respondent the effective date has been further postponed until January 23, 1934. Rates will be stated in amounts per net ton.

Southern Illinois is the principal coal-producing territory in Illinois, and the southern Illinois group, one of the several groups in that portion of the State, is considered the base group to destinations in northern Illinois and the Northwest. The rates from other Illinois groups and from western Kentucky are based differentially on those from the southern Illinois group. For many years prior to 1930 the coal rates from the Springfield group in Illinois and the Brazil-Clinton group in Indiana to the destinations here considered were maintained on a parity, 30 cents under those from the southern Illinois group. The rates from the other Indiana groups were, and are, made of differentials over those from the Brazil-Clinton group. On August 20, 1930, by order of the Illinois Commerce Commission, the intrastate rates from the southern Illinois and Springfield groups were reduced from $2.17 to $2 and from $1.87 to $1.70, respectively, a reduction of 17 cents in each instance.

The present rate from the Brazil-Clinton group to Rockford and Freeport is $1.87, and from the Linton-Sullivan group $1.92. The Milwaukee proposed to reduce both of those rates 17 cents, to $1.70 and $1.75, thereby again placing the Brazil-Clinton group rate on a parity with that from the Springfield group, and basing the rate from the Linton-Sullivan group on the present differential of 5 cents over that from the Brazil-Clinton group. Reductions to the level of the rates proposed to Rockford and Freeport were also proposed to intermediate destinations.

Respondent considers all of the rates from Illinois, Indiana, and western Kentucky to this destination territory as less than reasonable maxima. But it feels that by reason of the lower rates
15 from the Illinois groups it is being deprived of tonnage which

could well move from mines on its lines in the Brazil-Clinton and Linton-Sullivan groups. It points out that, although certain of its lines form through routes from those origin groups to Rockford and the other destinations here considered, they also afford the shortest routes from the Illinois groups in connection with other carriers, and that it is required to join in the lower intrastate rates therefrom on coal moving in competition with that from mines on its Indiana lines.

An exhibit introduced by the Illinois Central Railroad Company, protestant, indicates that the volume of coal moved to Rockford in 1932 from the southern Illinois group was 42.7 percent of that moved in 1929; from the Springfield group 245 percent; from the Brazil-Clinton group 141.1 percent; and from the Linton-Sullivan group 24.6 percent; from all groups in Illinois 53.4 percent; and from all groups in Indiana 87.7 percent. The same exhibit indicates that the volume of coal moved to Rockford in 1931 from the southern Illinois group was 54.3 percent of that moved in 1929; from the Springfield group 187.7 percent; from the Brazil-Clinton group 208.2 percent; from the Linton-Sullivan group 11.9 percent; from all groups in Illinois 58.4 percent; and from all groups in Indiana 88.7 percent. The carrier used 1929 for this comparison because that was the first full year prior to the reductions in the Illinois intrastate rates, effective in the fall of 1930. At the argument the Milwaukee excepted to the percentage of 141.1 given by the Illinois Central as representing the 1932 movement of coal over that of 1929 from the Brazil-Clinton group to Rockford. The exception was based on a statement made at the hearing by an official of a coal company in that origin group that his company alone shipped more than twice the amount of coal shown in the exhibit as having moved from that group to Rockford in 1929. If the exhibit is in fact incorrect, no definite figures were given to show the extent of the error. The general statement of the Milwaukee that the 1929 movements from the Brazil-Clinton and Linton-Sullivan groups, as shown in the exhibit, were transposed can not be accepted as definitely showing the movements from the two origin groups.

16 The Milwaukee urged that as the reduced rates were proposed to apply only from mines on its Indiana lines, the matter now before us relates only to the rates from those mines. It further stated that whatever action may be taken by the other lines serving the two origin groups toward meeting the proposed rates would be immaterial, as 95 to 99 percent of the coal moving therefrom to Rockford and Freeport moves over its lines. We cannot subscribe to that statement, in so far as it relates to the pertinency of any action which might be taken by the other lines in the groups to meet reduced rates established by the Milwaukee. We have refused to find proposed reductions in rates justified when it is shown that they would be harmful to the rate structure as a whole. Container Service, 173 I. C. C. 377, page 430.

An exhibit introduced at the hearing indicates that six lines, in addition to the Milwaukee, serve either one or both of the Brazil-Clinton and Linton-Sullivan groups. The rates from the lower Indiana coal groups are generally based differentially on those from the Brazil-Clinton group. Witnesses expressed the view that if the proposed reduced rates are established by the Milwaukee similar reductions will be made, for competitive reasons, by other carriers in the same groups, and that reductions will be sought also from the lower Indiana groups. We are of the opinion that the grouping of the Indiana rates upon differential relationships cannot be ignored in the determination of this case.

In Intrastate Rates on Bituminous Coal in Illinois, 182 I. C. C. 537, we stated that some of the rates therein assailed from Illinois groups to Rockford and Freeport were well below the reasonable level of rates in that territory, but that the same seemed to be true of most of the rates from the Indiana groups to the same destinations. We pointed out that from the more distant Indiana groups to those destinations and to Dixon, Ill., the rates ranged as low as 56 percent of the scale prescribed in *Holmes & Hallowell Co.* v. *G. N. Ry. Co.*, 69 I. C. C. 11, and stated that sufficient justification had not been shown for requiring any of the intrastate rates to the destinations mentioned to be increased until the low rates from Indiana were placed on a level more nearly commensurate with the general level of rates in that territory.

17 At pages 549 and 550 of Intrastate Rates on Bituminous Coal in Illinois, supra, comparisons were made of the percentage relationships of the rates from the southern Illinois and Brazil-Clinton groups to Rockford and Freeport with those under the Holmes & Hallowell scale. For example, the rate from the southern Illinois group to Freeport is there shown as 64 percent, and from the Brazil-Clinton group to the same destination 67 percent, of the rates for similar distances under that scale. However, it now appears that the distance upon which the southern Illinois relationship was based was the short-line distance from that group, and that the Brazil-Clinton relationship was based on the average of the distances from all mines in the group. The following table, computed from distances taken from the present record, and apparently representing fairly the average of the short tariff routes from all origins on all lines in the groups, shows the percentage relationships of the rates from the origin groups indicated to Rockford and Freeport to the rates for similar distances under the Holmes & Hallowell scale.

| To | Rockford | | | Freeport | | |
|---|---|---|---|---|---|---|
| From groups | Rate | Distance | Percentage of Holmes & Hallowell scale | Rate | Distance | Percentage of Holmes & Hallowell scale |
| | | *Miles* | | | *Miles* | |
| Springfield | $1.70 | 237.9 | 68.5 | $1.70 | 261 | 63.7 |
| So. Illinois | 2.00 | 365 | 60.9 | 2.00 | 384 | 58.8 |
| Brazil-Clinton [1] | 1.87 | 272 | 68.5 | 1.87 | 304 | 64 |
| Linton-Sullivan [1] | 1.92 | 298 | 67.1 | 1.92 | 327 | 63.1 |

[1] Respondent seeks to establish rates of $1.70 from the Brazil-Clinton group and $1.75 from the Linton-Sullivan group.

As previously pointed out, the Milwaukee seeks to establish the proposed rates of $1.70 and $1.75 not only to Rockford and Freeport, but also to stations on its lines in Illinois intermediate thereto.[1] It urges that any comparison of the distances and rates from the Indiana groups with those from Illinois should include such intermediate points. The average short tariff routes from all origins on
18 all lines in the Springfield and Brazil-Clinton groups to all of the destinations named in the footnote average 252 and 257 miles, respectively. To the last four destinations named, in the eastern portion of Illinois, the average distance from the Brazil-Clinton group, 231 miles, is less than that from the Springfield group by 11 miles. The average distances to all of the other stations named are 258 miles from the Springfield group and 274 miles from the Brazil-Clinton group. The table above shows that to Rockford and Freeport the average distances from the Springfield group are 34.1 and 43 miles, respectively, less than those from the Brazil-Clinton group.

The stations on the Milwaukee to which the reduced rates have been proposed do not take a group rate from the Brazil-Clinton group. The rate to DeKalb is $1.74, to Rockford and Freeport $1.87, and to all other points shown in the footnote $1.80, except that to Forreston, Byron, and Davis Junction the rate is $1.87 over the circuitous route in connection with the line of the Pennsylvania Railroad Company. The Milwaukee's proposal therefore involves a reduction of 17 cents in the rates from the two origin groups to Rockford and Freeport, as compared with a reduction of only 4 cents to DeKalb and 10 cents to the other intermediate points, with the exception of the rate over the circuitous route of the Pennsylvania as mentioned above. We are of the opinion that the distances from the Brazil-Clinton group to Rockford and Freeport, rather than those to all of the stations in the footnote, afford the proper basis for comparison.

[1] The principal stations on the Milwaukee between Rockford and Freeport and the Indiana border, as indicated by an exhibit of record, are Forreston, Byron, Davis Junction, Kirkland, Genoa, Elgin, Bensenville, and DeKalb, Ill.

Only the rates from mines on the Milwaukee in the Brazil-Clinton and Linton-Sullivan groups are before us in this proceeding. The immediate effect of the Milwaukee's proposal would be to split those groups, with lower rates from mines on that line than from mines on competing lines in the same groups. As pointed out herein, it is suggested by protestants that this condition would not long prevail, as the other carriers in those groups would propose similar reduced rates for competitive reasons. Such reductions would destroy the differential relationships now existing as between those groups and the other Indiana groups and western Kentucky, with the probability of mines and carriers in such other groups seeking similar
19 reductions. This would result in a level of rates from the Indiana groups lower than that which we stated, in Intrastate Rates on Bituminous Coal in Illinois, supra, to be well below the reasonable level of rates in this territory.

While it may be, as the Milwaukee states, that the rate situation as between the two Indiana groups and Illinois groups is in need of correction, we are not at all convinced that the proposed rates would afford a lawful solution of the problem. To the contrary, we are convinced that any change in the present relationships in the Indiana-Illinois adjustment to these northern Illinois destinations should not be undertaken in the piecemeal manner here proposed.

We find that the proposed schedules have not been justified. An order will be entered requiring their cancelation and discontinuing this proceeding.

CORRECTED ORDER

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 8th day of November, A. D. 1933

Investigation and Suspension Docket No. 3843

Coal from Indiana to Illinois

It appearing that by order dated December 22, 1932, the Commission entered upon a hearing concerning the lawfulness of the rates, charges, regulations, and practices stated in the schedules enumerated and described in said order, and suspended the operation of said schedules until July 23, 1933, and that subsequently respondent voluntarily postponed the effective date of the schedules until January 23, 1934;

It further appearing that a full investigation of the matters and things involved has been had, and that said division, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof;

It is ordered that the respondent herein be, and it is hereby,
20 notified and required to cancel said schedules on or before January 22, 1934, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed in section 6 of the interstate commerce act, and that this proceeding be discontinued.

By the Commission, division 2.

[SEAL] GEORGE B. McGINTY,
*Secretary.*

21 In United States District Court

[Title omitted.]

*Notice of hearing, etc.*

Filed February 21, 1934

To the honorable HOMER S. CUMMINGS,
*Attorney General for the United States of America:*
To the INTERSTATE COMMERCE COMMISSION:

Please take notice that plaintiff's bill of complaint in the above-mentioned case was filed on this day in the United States District Court for the Northern District of Illinois, eastern division, and that the judge of said court hearing equity cases is convening a specially constituted three-judge court as provided for by the Urgent Deficiency Appropriations Act of October 22, 1913, 38 Statutes at Large 219; and has fixed Wednesday, the twenty-first day of February 1934, at 10:00 a. m., at the Federal Building in Chicago, Illinois, as the time and place for the hearing on the prayer of plaintiff for an interlocutory injunction as prayed for in plaintiff's bill of complaint.

A true copy of the bill of complaint filed herein is hereto attached and you may appear at the above-mentioned time and place on the hearing of plaintiff's motion for an interlocutory injunction if you see fit to do so.

O. W. DYNES,
M. L. BLUHM,
C. L. TAYLOR,
*Solicitors for Plaintiff.*

J. N. DAVIS,
*Of Counsel.*

Received a copy of the above and foregoing notice and of the bill of complaint therein referred to this 15th day of February, A. D. 1934.

For the Attorney General:

UGO COMSI,
*Executive Assistant to the Attorney General.*
DAVID W. KNOWLTON,
*For Interstate Commerce Commission.*

22 In United States District Court

[Title omitted.]

*Intervening petition of the Binkley Mining Company, et al.*

Filed February 20, 1934

*To the honorable judges of the United States District Court for the Northern District of Illinois, Eastern Division, in chancery sitting:*

The Binkley Mining Company, Clinton Coal Company, Electric Shovel Coal Corporation, Fayette Realty & Development Company, Fort Harrison Mining Company, Jackson Hill Coal & Coke Company, Shirkie Coal Company, West Clinton Coal Company, Baker-Dora Coal Corporation, Central City Mining Company, Inc., Glendora Coal Company, Hamilton Coal Mining Company, Linton-Summit Coal Company, Maumee Collieries Company, Sherwood-Templeton Coal Company, Superior Fourth Vein Coal Company, respectfully represent unto Your Honors that:

1. The Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a corporation, hereinafter referred to as the Milwaukee, has heretofore filed its bill of complaint in this court in which it prays for a preliminary order and final decree enjoining the enforcement of the order of the Interstate Commerce Commission entered in the proceeding before said Commission known as "Investigation and Suspension Docket No. 3843, Coal from Indiana to Illinois."

23 2. Your petitioners further represent that each of them is a corporation organized and existing under the laws of the State of Indiana.

3. Your petitioners further represent that the above named petitioners were parties to the proceeding before the Interstate Commerce Commission, "Coal from Indiana to Illinois" I. & S. Docket 3843, in that each of the petitioners is a member of the Coal Trade Association of Indiana, which association appeared and introduced evidence at the hearing before the Interstate Commerce Commission in said proceeding, I. & S. Docket 3843.

4. Your petitioners further represent that each of them own or operate one or more coal mines in the State of Indiana which are served by the Milwaukee and are located in what are described in the tariffs of the Milwaukee as the Clinton district and the Linton district, some of petitioners having mines in the Clinton district and some in the Linton district.

5. Your petitioners further show that on or about November 21, 1932, the Milwaukee filed with the Interstate Commerce Commission supplement 76 to its Tariff No. B-5133, in which it published a rate of $1.70 per ton for the transportation of coal via its line from mines in the Clinton district to 38 destinations on its line in

Illinois, beginning with Bensenville on the main line running west of Chicago to and including Rockford and Freeport, Illinois, and beginning with Duffin on the so-called "Delmar branch" to and including Rockford and Freeport, Illinois. Said supplement likewise published a rate of $1.75 per ton to the said destinations from mines on the line of the Milwaukee in the Linton district; that said rates were reductions from the rates formerly in effect from said mines to said destinations; that said destinations were and should
24 be important markets for the sale of coal produced by these petitioners, and petitioners formerly shipped large quantities of coal to many of said destinations; that the rates on coal from competing coal fields in Illinois to these destinations were reduced in August 1930; that petitioners would be able to continue to ship substantial quantities of coal to these destinations under the rates published in said supplement 76 but are unable to ship coal from their said mines to said destinations under the rates now in effect in competition with coal produced in said competing districts in Illinois from which the rates were reduced in 1930.

Your petitioners therefore represent that they have an interest in the controversy or question before the Interstate Commerce Commission and that they have an interest in the suit brought by the Milwaukee to enjoin and annul the order of the Commission entered in said proceedings.

6. Your petitioners allege that the order of the Interstate Commerce Commission entered in said proceedings, "Coal from Indiana to Illinois", I. & S. Docket 3843, is arbitrary and unlawful in the following respects:

A. The order is based upon an erroneous construction of the Interstate Commerce Act in that the Commission held as a matter of law that the burden of proof was upon the Milwaukee to justify the rates published by it in supplement 76 to its tariff, I. C. C. No. B–5133, which were reduced rates.

B. The Commission arbitrarily refused to consider competent, relevant, and uncontradicted evidence material to a decision of the issue before said Commission, such as:

25 (1) Evidence showing the length of haul via the Milwaukee from the mines on the Milwaukee in Indiana from which the rates were published to the destinations in Illinois to which said rates applied.

(2) Evidence that 95% of the coal moving to Rockford and Freeport, Illinois, two of the destinations involved, from mines in Indiana, having rates of $1.87 and $1.92 to Rockford and Freeport, originated upon the line of the Milwaukee.

(3) Evidence that the transportation from the mines on the Milwaukee to these destinations involved only a single line movement.

(4) Evidence that the Milwaukee was required to participate in the transportation of coal from mines in the State of Illinois to these destinations from which rates of $1.70 per ton applied to these desti-

nations, in which the total haul from the mines to said destinations was far in excess of the haul from the mines in Indiana served by the Milwaukee from which it published said rates of $1.70 and $1.75.

(5) Evidence showing distances from the mines on the Milwaukee Railroad to representative destinations to which the rates in supplement 76 applied and the average distance from mines on the Milwaukee in each of said Clinton and Linton districts to such points.

C. The order of the Commission is improper and unlawful because the Commission proceeded upon an erroneous theory of law that it could determine the lawfulness of the rates published by the Milwaukee to thirty-eight destinations on its line by a con-
26 sideration of distances and rates to only two of said destinations, which two destinations, Rockford and Freeport, are farther from the mines than any of the thirty-eight destinations involved, and do not represent the average haul or service to said destinations.

D. The order of the Commission is based upon an erroneous theory of law and is arbitrary because the Commission did not consider the rates and distances via the Milwaukee to the destinations involved, but considered only rates and average distances via all carriers serving the Brazil-Clinton and Linton-Sullivan groups to Rockford and Freeport in comparison with rates and average distances from the so-called "central Illinois or Springfield group" in Illinois and from so-called "southern Illinois group" to Rockford and Freeport.

E. The Commission in its report states that the only issue before it was the lawfulness of the rates published by the Milwaukee. It erroneously attempted to determine the lawfulness of these rates by a consideration not of the rates published by the Milwaukee and the service of the Milwaukee but of the rates and services of other carriers serving mines in Indiana and publishing rates of $1.87 per ton to Rockford and Freeport from such mines.

F. The order of the Commission is predicated upon an erroneous construction of the Interstate Commerce Act in that it denies the Milwaukee the right to reduce its rates from points of origin on its line to destinations on its line, not because such reduced rates are in any way unlawful but because other carriers serving mines in the same general rate groups publish rates higher than those proposed by the Milwaukee, the service via such other carriers being substantially greater than via the Milwaukee.

27 G. The order of the Commission is predicated upon an erroneous assumption of fact in that the Commission states in its report that the suspended rates of the Milwaukee would split the Brazil-Clinton and Linton-Sullivan groups.

H. The order of the Commission is not predicated upon facts appearing of record in this case, but upon guess and surmise as to what might happen in the future.

I. There are no findings of fact from which the Commission could conclude that the rates published by the Milwaukee in said supple-

ment no. 76 are in violation of anything declared to be unlawful by the Interstate Commerce Act.

(1) There is no finding, and no evidence which would support such finding, that the rates proposed by the Milwaukee are unreasonable in violation of section 1 of said act.

(2) There is no finding, and no evidence which would support such finding, that the rates proposed by the Milwaukee are discriminatory in violation of section 2 of the said act.

(3) There is no finding, and no evidence which would support such finding, that the rates proposed by the Milwaukee would accord to these petitioners an undue benefit or advantage or would subject any person, firm, or locality to an undue prejudice and disadvantage in violation of section 3 of the Interstate Commerce Act,

(4) There is no finding, and no evidence which would support such finding, that the rates proposed by the Milwaukee violate the provisions of the long- and short-haul provision, section 4 of said act.

28 (5) There is no finding, and no evidence which would support such finding, that the supplement no. 76 was not filed in conformity with the provisions of section 6 of the Interstate Commerce Act.

Section 15 (7), of the Interstate Commerce Act which authorizes the suspension of tariffs, provides that such tariffs may be suspended pending an investigation by the Commission of the lawfulness of the rates and that upon concluding such investigation, the Commission may enter such order with reference thereto as would be proper in a proceeding initiated after they (the rates) had become effective. Notwithstanding this provision, the Commission had made no finding or conclusion in regard to the lawfulness of the rates of the Milwaukee published in said supplement no. 76.

J. The report upon which said order is predicated is arbitrary and improper and contains statements of alleged fact which are contrary to the evidence or are erroneous because essential related facts are not stated or considered.

K. The order of the Commission is arbitrary and unlawful, because the report on which it is predicated fails to find or state or consider material facts shown by uncontroverted evidence of record.

L. The order of the Commission is based upon an erroneous construction of the Interstate Commerce Act in that the report of the Commission states that it may be that the rate situation as between the two Indiana groups and the Illinois groups is in need of corrections, and proceeds, "We are not at all convinced that the proposed rate would afford a lawful solution to the problem. To the contrary we are convinced that any change in the present relationships in the Indiana-Illinois adjustment to these northern Illinois
29 destinations shall not be undertaken in the piecemeal manner here proposed."

The report contains no finding of fact to support the above conclusion.

The above statement is predicated on the erroneous construction of the Interstate Commerce Act that the burden was upon the Milwaukee to convince the Commission that the proposed rates would afford a lawful solution to the theoretical problem of the rate adjustment between all the groups in Indiana with the Illinois groups.

The above statement is predicated upon an erroneous construction of the Interstate Commerce Act in that nothing in the act requires the Milwaukee to adjust the rates of other carriers serving mines in said two Indiana groups or in the Illinois groups, before it can publish lawful rates from mines which it serves in Indiana to destinations which it serves in Illinois.

7. Petitions further represent that they are being injured and damaged by the continued suspension of the rates published by the Milwaukee in said Supplement No. 76 to its tariff I. C. C. No. B–5153, and that unless the order of the Commission requiring the cancellation of said supplement be set aside and its enforcement enjoined, the said Milwaukee will cancel its said supplement and these petitioners will be permanently deprived of reasonable rates to the destinations involved, and will be permanently and irreparably injured and damaged; that petitioners have no adequate remedy at law, and is remediless except in this court.

Wherefore, petitioners pray that they may be permitted to intervene in this cause as parties plaintff in accordance with the provisions of the statutes of the United States known as the
30 "Urgent Deficiency Appropriation Act", 38 Stat. L. 219.

Petitioners further pray that a preliminary injunction or restraining order may be entered by this court restraining the enforcement of said order of the Commission, and that upon final hearing herein a decree be entered declaring said order to be null, void, and of no effect and perpetually enjoining enforcement, operation, and execution of said order and that petitioners may have such other and further relief in the premises as the nature of the case shall require and to this court shall seem meet.

GALLAGHER, RINAKER, WILKINSON & HALL.

*Solicitors for Binkley Mining Company, Clinton Coal Company, Electric Shovel Coal Corporation, Fayette Realty & Development Company, Fort Harrison Mining Company, Jackson Hill Coal & Coke Company, Shirkie Coal Company, West Clinton Coal Company, Baker-Dora Coal Corporation, Central City Mining Company, Inc., Glendora Coal Company, Hamilton Coal Mining Company, Linton-Summit Coal Company, Maumee Collieries Company, Sherwood-Templeton Coal Company, Superior Fourth Vein Coal Company.*

31 [*Duly sworn to by Hubert E. Howard. Jurat omitted in printing.*]

32 In United States District Court

[Title omitted.]

*Order continuing hearing*

February 21, 1934

This cause coming on to be heard on this 21st day of February 1934, before a specially constituted three-judge court, on plaintiff's application for an interlocutory injunction, and it appearing to the court that the Attorney General of the United States of America and the Interstate Commerce Commission were, on the 15th day of February 1934, notified of plaintiff's intention to apply for an interlocutory injunction herein on February 21, 1934, as shown by the notice and acceptance of service filed herein; and it appearing further to the court that the Interstate Commerce Commission has extended the effective date of its order of November 8, 1933, being the order herein complained of, for sixty (60) days from February 22, 1934, and that the parties hereto have agreed, subject to the approval of the court, upon a continuance of the hearing on plaintiff's application for an interlocutory injunction.

It is therefore ordered, adjudged, and decreed by the court that the hearing of plaintiff's application for an interlocutory in-
33 junction be and the same is hereby continued and assigned for hearing before this court or some other three-judge court in this district, specially constituted according to law, on the 15th day of March 1934, without further notice to the Attorney General of the United States of America or the Interstate Commerce Commission, or any parties who have intervened, or may hereafter intervene, in these proceedings.

EVAN A. EVANS,
*Circuit Judge.*
JOHN P. BARNES,
*District Judge.*
WILLIAM H. HOLLY,
*District Judge.*

34 In United States District Court

[Title omitted.]

*Petition for leave to intervene*

Filed March 9, 1934

*To the honorable the Judges of the District Court for the Northern District of Illinois, Eastern Division:*

Now comes the Alton Railroad Company and represents that it has an interest in the matters involved in this proceeding and desires to intervene and become a party defendant. In support of its petition it shows:

(1) Petitioner is a railroad corporation, organized and existing under the laws of the State of Illinois, having its principal office in the city of Chicago, Illinois. It owns a railroad located in the States of Illinois and Missouri, with principal termini at Chicago, Illinois, St. Louis, Missouri, Kansas City, Missouri, and Peoria, Illinois, and operates said railroad as a common carrier of passengers and property for hire. It interchanges carload freight with plaintiff and other coal-carrying railroads at many points in the State of Illinois, and its rails form a part of various through routes from coal fields in Illinois to Rockford and Freeport, Illinois.

35 (2) Petitioner is a party to joint through rates for the transportation of bituminous coal in carloads from many of the Illinois coal fields to Rockford and Freeport, Illinois, and engages in the transportation of such coal in competition with plaintiff in the transportation of coal to such destination from the Brazil-Clinton and Linton-Sullivan coal fields in Indiana.

(3) By schedules filed with the Interstate Commerce Commission effective on December 23, 1932, plaintiff proposed to reduce rates on bituminous coal in carloads from mines on its line in the Brazil-Clinton and Linton-Sullivan origin groups in Indiana to Rockford and Freeport, Illinois, and to certain other points intermediate thereto in Illinois. The schedules were suspended by the Interstate Commerce Commission and that Commission, after an exhaustive hearing, by order dated November 8, 1933, denied the plaintiff the right so to reduce its rates and required it to cancel its schedules. The effective date of the order has been postponed by the Interstate Commerce Commission from time to time, and if said order is enjoined, annulled, or set aside as prayed for by plaintiff herein, said reduced rates of plaintiff will go in effect, and coal now moving over the rails of your petitioner will be supplanted at Freeport and Rockford, Illinois, by coal moving over the rails of plaintiff from Linton-Sullivan and Brazil-Clinton districts of Indiana, by reason of which your petitioner will be greatly injured. Your petitioner

was a party to proceedings before the Interstate Commerce Commission which led to the entry of said order of November 8, 1933.

36 (4) Your petitioner further represents that the order of the Interstate Commerce Commission entered and made in said proceeding entitled "Coal from Indiana to Illinois", investigation and suspension docket 3843, against which plaintiff brings this suit, is valid and legal, and does not violate any of the legal rights of plaintiff, and your petitioner, because of its interest of the subject matter, desires to be made a party defendant to this cause in order to participate in the proceedings to test the validity of said order.

Wherefore, your petitioner prays that leave be granted it to intervene in and be made a party defendant in the above-entitled cause, and that it may have such other and further relief in the premises as may be meet.

THE ALTON RAILROAD COMPANY,
By SILAS H. STRAWN,
GUY A. GLADSON,
*Its Solicitors.*

37 In United States District Court

[Title omitted.]

*Order granting leave to intervene*

March 9, 1934

On application duly made, and the court being fully advised in the premises,

It is ordered that leave be and the same is hereby granted to the Alton Railroad Company to file its intervening petition herein, and that it be made a party defendant to this cause.

Be it further ordered that said The Alton Railroad Company be and it hereby is given six (6) days in which to answer or otherwise plead to the bill of complaint filed herein.

Enter:

BARNES, *Judge.*

37-A In United States District Court

[Title omitted.]

*Answer of United States of America Filed March 15, 1934*

United States, the above-named defendant, for answer to the bill of complaint filed herein against it says:

I

United States admits that the facts alleged in paragraphs I, II, III, and IV of the bill of complaint are true.

II

United States disclaims sufficient knowledge of the matters, facts, and conclusions alleged in paragraphs V and VI of the bill of complaint to enable it to form a belief as to the truth or falsity thereof, and it therefore neither admits nor denies the allegations in said paragraphs; except that it admits the allegation in said paragraph V that the Interstate Commerce Commission conducted a proceeding under section 13 of the Interstate Commerce Act as therein alleged and, upon evidence duly heard and considered by it, rendered its report and order entitled "Intrastate Rates on Bituminous Coal in Illinois", 182 I. C. C. 537, to the complete text of which the
37-B Court is respectfully referred for full, complete, and accurate information concerning the Commission's statements, findings, conclusions, and requirements therein.

III

United States admits the allegations contained in paragraph VII of the bill, and admits that exhibit A thereto is a true and correct copy of the report and order issued by the Interstate Commerce Commission on November 8, 1933, in "Investigation and Suspension Docket No. 3843, Coal from Indiana to Illinois."

IV

United States denies each and every allegation contained in paragraphs VIII, IX, and X of the bill, and denies that the Interstate Commerce Commission's said order of November 8, 1933, is null, void, or unlawful in any respect for any of the reasons set forth in said paragraphs, or for any other reason.

Wherefore, having fully answered the bill of complaint, United States prays that the relief therein prayed be denied and the bill of complaint dismissed with costs to the plaintiff, and that it have the benefit of such other and further orders, decrees, or relief as may be just and proper.

DWIGHT H. GREEN,
*United States Attorney.*
ELMER B. COLLINS,
*Special Assistant to the Attorney General.*
HAROLD M. STEPHENS,
*Assistant Attorney General.*

[File endorsement omitted.]

37-C In United States District Court

[Title omitted.]

*Answer of the Alton Railroad Company*

Filed March 15, 1934

The Alton Railroad Company, intervening defendant, now and at all times hereafter saving and reserving to itself any and all manner of benefit and advantage of exceptions to the many errors and insufficiencies in plaintiff's bill of complaint contained, for answer to said bill of complaint says:

I

This defendant admits that the facts alleged in paragraphs I, II, III, and IV of the bill of complaint are true.

II

This defendant admits the truth of the allegations contained in paragraph V of the bill of complaint, except that it denies that the rates proposed by plaintiff were necessary in order to permit plaintiff to transport coal from the Indiana mines served by plaintiff to the destinations involved in this proceeding in competition with coal transported from Illinois mines.

37-D III

This defendant admits that the portion of plaintiff's railroad extending from Chicago in a southerly and easterly direction into Indiana and serving certain mines in the Clinton and Linton districts was constructed primarily as a coal-carrying road; admits that a portion of plaintiff's railroad prior to acquisition thereof by plaintiff in 1921 was known as the Chicago, Terre Haute & Southeastern Railroad Company; admits that plaintiff has a single line of railroad from mines on its railroad in said Indiana districts to the destinations involved in this proceeding in northern Illinois, all as alleged in paragraph VI of the bill of complaint, but denies the other allegations made and the conclusions drawn in said paragraph of said bill of complaint.

IV

This defendant admits the truth of the allegations contained in paragraph VII of said bill of complaint.

V

This defendant denies the allegations made and conclusions drawn in paragraphs VIII, IX, and X of the bill of complaint, and each and every part of the same in manner and form as alleged.

Wherefore, having fully answered, this defendant prays that the bill of complaint be dismissed and that such further order or orders as may be appropriate be entered by this honorable court.

THE ALTON RAILROAD COMPANY,
By SILAS H. HAWN,
GUY A. GLADSON,
*Its Solicitors.*

[File endorsement omitted.]

38 In United States District Court

[Title omitted.]

*Intervention of Interstate Commerce Commission*

Filed March 15, 1934

*To the Honorable the Judges of said Court:*

In accordance with the provisions of section 212 of the Judicial Code, 36 Stat. L. 1150 (U. S. Code, sup. VI, title 28, sec. 45a), we hereby enter the appearance of the Interstate Commerce Commission as a party defendant, and of ourselves, as its counsel, in the above-entitled suit.

DANIEL W. KNOWLTON,
*Chief Counsel.*
J. STANLEY PAYNE,
*Assistant Chief Counsel.*

39 In United States District Court

[Title omitted.]

*Petition of Illinois Central Railroad Company, Chicago & Illinois Midland Railway Company, Chicago, Burlington & Quincy Railroad Company, L. W. Baldwin and Guy A. Thompson, trustees of the Missouri Pacific Railroad Company, for leave to intervene*

Filed March 15, 1934

*To the Honorable the Judges of the District Court for the Northern District of Illinois, Eastern Division:*

Now come the Illinois Central Railroad Company, Chicago & Illinois Midland Railway Company, Chicago, Burlington & Quincy Railroad Company, and L. W. Baldwin and Guy A. Thompson, trus-

tees of the Missouri Pacific Railroad Company, in accordance with the provisions of section 212 of the Judicial Code (U. S. C. A., title 28, section 45a), and represent that each of them has an interest in the matters involved in this proceeding and desires to intervene and become a party defendant. In support of their petition the petitioners show:

1. Petitioner, Illinois Central Railroad Company, is a railroad corporation, organized and existing under the laws of the State of Illinois, having its principal office in the city of Chicago, Illinois. It owns lines of railroad within the States of Indiana, Kentucky, and Illinois and operates said lines of railroad as common carriers of passengers and property for hire.

2. Petitioner, Chicago & Illinois Midland Railway Company, is a railroad corporation organized and existing under the laws of the State of Illinois, having its principal office in the city of Chicago, Illinois. It owns a line of railroad within the State of
40 Illinois and operates said railroad as a common carrier of passengers and property for hire.

3. Petitioner, Chicago, Burlington & Quincy Railroad Company, is a railroad corporation, organized and existing under the laws of the State of Illinois, having its principal office in the city of Chicago, Illinois. It owns a line of railroad located in the State of Illinois and operates said line of railroad as a common carrier of passengers and property for hire.

4. Petitioners, L. W. Baldwin and Guy A. Thompson, are the duly appointed and acting trustees of the Missouri Pacific Railroad Company, bankrupt in the United States District Court for the Eastern District of Missouri, and as trustees of said Missouri Pacific Railroad Company are engaged in the operation of a line of railroad as a common carrier of passengers and property for hire within the State of Illinois.

5. Petitioners individually or in connection with other railroads are engaged in the transportation of bituminous coal from mines in Indiana, Illinois, and western Kentucky to Rockford and Freeport, Illinois, and points on the railroad of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company intermediate to Rockford and Freeport, Illinois, and mines in the Brazil-Clinton and Linton-Sullivan groups in Indiana in competition with coal transported by the plaintiff, Chicago, Milwaukee, St. Paul & Pacific Railroad Company, from mines in the said Brazil-Clinton and Linton-Sullivan groups in Indiana to Rockford and Freeport, Illinois, and said intermediate destinations.

6. By schedules filed with the Interstate Commerce Commission, to become effective December 23, 1932, plaintiff proposed to reduce rates on bituminous coal, in carloads, from mines on its line in the Brazil-Clinton and Linton-Sullivan origin groups in Indiana
41 to Rockford and Freeport, Illinois, and to certain other points intermediate thereto in Illinois. The schedules were sus-

pended by the Interstate Commerce Commission, and that Commission, after an exhaustive hearing, by order dated November 8, 1933, denied the plaintiff the right so to reduce its rates and required it to cancel its schedules. The effective date of the order has been postponed by the Interstate Commerce Commission from time to time, and if said order is enjoined, annulled, or set aside as prayed for by plaintiff herein, said reduced rates of plaintiff will go into effect, and coal now moving over the rails of your petitioners will be supplanted at Freeport and Rockford and said intermediate points in Illinois by coal moving over the rails of plaintiff from Linton-Sullivan and Brazil-Clinton groups in Indiana, by reason of which your petitioners will be greatly injured. Your petitioners, Illinois Central Railroad Company, Chicago & Illinois Midland Railway Company, and Chicago, Burlington & Quincy Railroad Company, and the Missouri Pacific Railroad Company, were parties to the proceedings before the Interstate Commerce Commission which led to the entry of said order of November 8, 1933.

7. Your petitioners further represent that the order of the Interstate Commerce Commission entered and made in said proceeding entitled "Coal from Indiana to Illinois", Investigation and Suspension Docket No. 3843, against which plaintiff brings this suit, is valid and legal, and does not violate any of the legal rights of plaintiff, and your petitioners, because of their interest in the subject matter, desire to be made parties defendant to this cause in order to participate in the proceedings to test the validity of said order.

42 Wherefore, your petitioners pray that leave be granted them to intervene in and be made parties defendant in the above-entitled cause, and that they may have such other and further relief in the premises as may be meet.

ILLINOIS CENTRAL RAILROAD COMPANY,
CHICAGO & ILLINOIS MIDLAND RAILWAY COMPANY.
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY,
L. W. BALDWIN AND GUY A. THOMPSON, TRUSTEES OF THE MISSOURI PACIFIC RAILROAD COMPANY,
By J. T. QUISENBERRY,
E. A. SMITH,
WALTER MCFARLAND,
*Their Solicitors.*

43 In United States District Court

[Title omitted.]

*Order continuing hearing*

March 15, 1934

It is ordered by the court that the application for temporary injunction be and the same is hereby continued to 10 a. m. April 10, A. D. 1934.

44 In United States District Court

[Title omitted.]

*Answer of Illinois Central Railroad Company, Chicago & Illinois Midland Railway Company, Chicago, Burlington & Quincy Railroad Company, and L. W. Baldwin and Guy A. Thompson, trustees of the Missouri Pacific Railroad Company*

Filed March 24, 1934

The Illinois Central Railroad Company, Chicago & Illinois Midland Railway Company, Chicago, Burlington & Quincy Railroad Company, and L. W. Baldwin and Guy A. Thompson, trustees of the Missouri Pacific Railroad Company, intervening defendants, now and at all times hereafter saving and reserving to themselves any and all manner of benefit and advantage of exceptions to the many errors and insufficiencies in plaintiff's bill of complaint contained, for answer to said bill of complaint say:

I

These defendants admit that the facts alleged in paragraphs I, II, III, and IV of the bill of complaint are true.

II

These defendants admit the truth of the allegations contained in paragraph V of the bill of complaint, except that they deny that the rates proposed by plaintiff were necessary in order to permit plaintiff to transport coal from the Indiana mines served by plaintiff to the destinations involved in this proceeding in competition with coal transported from Illinois mines.

45 III

These defendants admit that the portion of plaintiff's railroad extending from Chicago in a southerly and easterly direction into Indiana and serving certain mines in the Clinton and Linton districts was constructed primarily as a coal-carrying road; admit that a portion of plaintiff's railroad prior to acquisition thereof by plaintiff in 1921 was known as the Chicago, Terre Haute & Southeastern Railroad Company; admit that plaintiff has a single line of railroad from mines on its railroad in said Indiana districts to the destinations involved in this proceeding in northern Illinois, all as alleged in paragraph VI of the bill of complaint, but deny the other allegations made and the conclusions drawn in said paragraph of said bill of complaint.

IV

These defendants admit the truth of the allegations contained in paragraph VII of said bill of complaint.

V

These defendants deny the allegations made and conclusions drawn in paragraphs VIII, IX, and X of the bill of complaint, and each and every part of the same in manner and form as alleged.

Wherefore, having fully answered, these defendants pray that the bill of complaint be dismissed and that such further order or orders as may be appropriate be entered by this honorable court.

ILLINOIS CENTRAL RAILROAD COMPANY.
CHICAGO & ILLINOIS MIDLAND RAILWAY COMPANY.
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY.
L. W. BALDWIN AND GUY A. THOMPSON,
*Trustees of Missouri Pacific Railroad Company.*
By JOHN T. QUISENBERRY,
E. W. SMITH,
WALTER MCFARLAND,
*Their Solicitors.*

46 In United States District Court

[Title omitted.]

*Order continuing hearing*

April 10, 1934

This cause coming on to be heard on the tenth day of April 1934 before a specially constituted three-judge court, on plaintiff's application for an interlocutory injunction; and it appearing that the parties hereto have agreed, subject to the approval of the court, upon a continuance of the hearing on plaintiff's application for an interlocutory injunction;

It is therefore ordered, adjudged, and decreed by the court that the hearing on plaintiff's application for an interlocutory injunction be, and the same is hereby, continued and assigned for hearing before this court on the twentieth day of April 1934, without further notice to the Attorney General of the United States of America or the Interstate Commerce Commission or any parties who have intervened, or may hereafter intervene, in these proceedings.

EVAN A. EVANS,
*Circuit Judge.*
JOHN P. BARNES,
*District Judge.*
WILLIAM H. HOLLY,
*District Judge.*

47 In United States District Court for the Northern District of Illinois, Eastern Division

In Equity No. 13726

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, PLAINTIFF

*vs.*

UNITED STATES OF AMERICA, DEFENDANT

*Order for interlocutory injunction*

April 20, 1934

On this twentieth day of April, A. D. 1934, this cause came on to be heard on plaintiff's application for an interlocutory injunction, and it appearing that notice of said application has been duly given to the defendants in conformity with the statute, and counsel for the plaintiff and defendants and intervenors having been heard, and the court being fully advised in the premises, the court, from the sworn bill and from the record and transcript of the proceedings had before the Interstate Commerce Commission, a certified copy of which record and transcript of proceedings is now on file in this cause, finds as follows:

(1) That plaintiff, a Wisconsin corporation, operating lines of railroad in the States of Indiana, Illinois, Wisconsin, and other States, has brought this action against the United States of America, under the Urgent Deficiencies Appropriations Act, to enjoin, set aside, and annul a certain order of the Interstate Commerce Commission, entered on November 8, 1933, in investigation and suspension docket no. 3843; that among the protestants upon whose petition the order of the Interstate Commerce Commission was
48 made, are various corporations having their principal office and residence in the northern district of Illinois; and that the court has jurisdiction of the subject matter of this suit and of all the parties, plaintiff, defendant, and intervenors.

(2) That plaintiff has for many years engaged in the transportation of coal from mines on its railroad in Indiana to destinations in northern Illinois, including Rockford and Freeport, in competition with railroads serving mines in Illinois, and the rates applicable for the movement of said coal for many years bore a direct relationship to the rates applicable for the movement of bituminous coal from mines in Illinois to Rockford and Freeport; that, effective August 20, 1930, the Illinois Commerce Commission reduced the intrastate rates on bituminous coal from origin mines in Illinois, to Rockford and Freeport, 17 cents per ton; that the State courts in Illinois refused to enjoin said reduction; that the Interstate Commerce Com-

mission, in a thirteenth section application, being docket no. 23130, directed against said intrastate Illinois rates, refused to require said intrastate rates to be increased; that following this refusal, plaintiff filed its proposed schedule of rates, which would restore the relationship which had existed for many years prior to August 20, 1930, between the rates from said Indiana mines to the destination territory in northern Illinois, and the rates from Illinois mines to the same destination territory; and that the Interstate Commerce Commission has ordered said schedule of rates proposed by plaintiff cancelled, effective April 22, 1934.

(3) That plaintiff has a single line of railway from mines on its railroad in Indiana to said destinations in northern Illinois, and has for many years transported a large volume of coal from said Indiana mines to said Illinois destinations, which volume has been materially diminished since the year 1930, when the low intrastate rates prescribed by the Illinois Commerce Commission for substantially the same haul became effective.

49 (4) That the rates proposed by plaintiff in the suspended tariff will restore the relationship which existed for many years prior to August 20, 1930, between the rates from the said Indiana mines to the said northern Illinois destinations and the rates from the Illinois mines to the same destinations.

(5) That there is no substantial evidence upon which the Commission could find that the rates proposed by plaintiff are unreasonable, in violation of any section of the Interstate Commerce Act.

(6) That the order of the Interstate Commerce Commission deprives defendant of the exercise of its managerial judgment in fixing competitive rates within the zone of reasonableness, at which it is willing to transport coal.

(7) That the Commission misinterpreted its power and assumed the power to declare a rate unreasonable and unlawful without evidence to support such a finding, and assumed the power to require the cancellation of a rate without a finding and without any evidence that said rate was less than a reasonable minimum rate.

(8) That there is a reasonable probability that the plaintiff will succeed on final hearing.

(9) That plaintiff has no adequate remedy at law.

(10) That unless the order of the Interstate Commerce Commission entered on November 8, 1933, and as amended by supplemental orders in investigation and suspension docket no. 3843, Coal from Indiana to Illinois, be enjoined, plaintiff will be required to cancel the proposed tariffs on or before April 22, 1934, and that irreparable damage will result to plaintiff for the reason that if plaintiff is required to cancel said tariffs before the issues herein presented are finally determined, plaintiff will be without relief, and if the issues herein are finally adjudicated in its favor, the plaintiff will

50 be required to file another tariff with the Interstate Commerce Commission, which tariff will be subject to the protest

of competing railroads and suspension by the said Commission; and irreparable damage will result to plaintiff for the further reason that unless this interlocutory injunction be granted plaintiff will sustain substantial losses of revenue from the transportation of coal which it cannot thereafter recoup.

It is therefore ordered, adjudged, and decreed by the court that the interlocutory injunction prayed for be, and the same is hereby, granted and that an interlocutory injunction be, and the same is hereby, issued out of this court restraining and suspending enforcement of the order o fthe Interstate Commerce Commission in investigation and suspension docket no. 3843, Coal from Indiana to Illinois, dated November 8, 1933, and of said order as amended, requiring the plaintiff to cancel said schedules of rates on or before April 22, 1934, and that the respondents and each of them, their officers, members, attorneys, agents, and employes, and all other persons whomsoever, be, and they are hereby, enjoined and restrained from enforcing, or in any manner attempting to enforce or carry out, said order or the terms thereof until further order of this court.

EVAN A. EVANS,
*Circuit Judge.*
JOHN P. BARNES,
*District Judge.*
WILLIAM H. HOLLY,
*District Judge.*

51 In United States District Court

[Title omitted.]

*Amended answer of Interstate Commerce Commission*

Filed May 11, 1934

The Interstate Commerce Commission, intervening defendant in the above-entitled suit, now and at all times hereafter saving and reserving to itself all and all manner of benefit and advantage of exception to the many errors and insufficiencies in the plaintiff's bill of complaint, as amended, contained, for answer thereto, or unto so much or such parts thereof as it is advised that it is material for it to answer, answers and says:

Answering paragraphs I and II of the bill of complaint, as amended, the Commission admits for the purpose of this suit that the allegations therein contained are true.

I

52 II

Answering paragraphs III to XI, inclusive, of the bill of complaint, as amended, the Commission admits and alleges that it made and entered a report and order dated November 8, 1933, referred to in paragraphs III and VII of the bill of complaint, as amended, and made a part thereof as exhibit A, in a proceeding then pending before it entitled "Investigation and Suspension Docket No. 3843, Coal from Indiana to Illinois"; that in said proceeding the plaintiff filed schedules to become effective on December 23, 1932, proposing to reduce its rates on bituminous coal, in carloads, from mines on its line in the Brazil-Clinton origin group in Indiana to Rockford and Freeport, Ill., from $1.87 to $1.70 and from the Linton-Sullivan origin group in Indiana to the same stations from $1.92 to $1.75, with reductions that will result in the same rates to intermediate points in Illinois; that protests against the proposed reductions were filed by the Consolidated Coal Company of St. Louis; the Illinois Coal Traffic Bureau; the Springfield, Illinois, Coal Traffic Bureau; the Alton Railroad, Chicago, Burlington & Quincy Railroad, Chicago & Illinois Midland Railroad, Illinois Central Railroad, Missouri Pacific Railroad, and Wabash Railroad; and the Illinois Commerce Commission; that on December 22, 1932, the Commission entered its order suspending the operation of said proposed tariffs until July 23, 1933, and subsequently the effective date of the said schedules and tariffs has been further postponed until April 23, 1934; that full hearings were had and thereafter the Commission made and entered and served upon all the parties in said proceeding the report of November 8, 1933, 197 I. C. C. 245, referred to in paragraphs III and VII of the bill of complaint, as
53 amended, and made a part thereof as exhibit A, to which the Commission respectfully refers the court for information concerning its findings and requirements in the premises; that following the service of the Commission's said report of November 8, 1933, plaintiff herein, referred to as the Milwaukee, filed a petition for rehearing, reargument, and reconsideration before the entire Commission, referred to in paragraph VII of the bill of complaint, as amended, which petition was denied by the Commission on February 5, 1934; that thereafter the proceeding was reopened for reargument, which was had before the entire Commission on April 6, 1934; and that subsequently the Commission made and entered and served upon all the parties in said proceeding its report and order of April 18, 1934, referred to and made a part of this answer as appendix I, to which the Commission respectfully refers the court for information concerning its findings and requirements in the premises; that in said proceeding the parties thereto, including the plaintiff herein, were, and each of them was, accorded the full hearing provided for by the Interstate Commerce Act; that in said hearings a large volume of testimony and other evidence bearing upon

the matters covered in said reports and orders was submitted to the Commission for consideration, including testimony and other evidence submitted on behalf of plaintiff herein by its counsel; that at said hearing and subsequently, both orally and in briefs filed in said proceeding, questions relating to said matters were fully argued and submitted to the Commission for determination on behalf of said parties by their respective counsel, including many of the particular questions raised by plaintiff in this suit, whereupon the Commission determined said matters and entered and served upon all the parties to said proceeding, including the plaintiff herein,
54 its said reports and orders; that said reports and orders included the Commission's findings of fact, decision, conclusions, order, and requirements in the premises, and that, upon the evidence aforesaid, and as shown in and by said reports, the Commission made the findings and stated the conclusions upon which said order is based.

The Commission further alleges that the findings and conclusions in said reports were and are, and that each of them was and is, fully supported and justified by the evidence submitted in said proceeding as aforesaid.

The Commission further alleges that in making said reports it considered and weighed carefully, in the light of its own knowledge and experience, each fact, circumstance, and condition called to its attention on behalf of the parties to said proceedings by their respective counsel, including matters covered by the allegations of the bill of complaint, as amended, herein.

The Commission further alleges that said orders of November 8, 1933, and April 18, 1934, were not made or entered either arbitrarily or unjustly, or contrary to the relevant evidence, or without evidence to support them; that in making said orders the Commission did not exceed the authority which had been duly conferred upon it, and the Commission denies each of and all the allegations to the contrary contained in the bill of complaint, as amended.

Further answering paragraph VIII of the bill of complaint, as amended, the Commission denies that its said order of November 8, 1933, as amended by its order of April 18, 1934, is invalid for any of the reasons set forth in said paragraph, or for any other reason.
55 Further answering paragraph IX of the bill of complaint, as amended, the Commission denies the truth of the allegations therein contained.

Further answering paragraph X of the bill of complaint, as amended, the Commission denies that its said order of November 8, 1933, as amended by its order of April 18, 1934, causes plaintiff irreparable damage or any damage, and denies that plaintiff will suffer irreparable damage or any damage if said order is not stayed and enjoined.

Except as herein expressly admitted, the Commission denies the truth of each of and all the allegations contained in the bill of com-

plaint, as amended, in so far as they conflict either with the allegations herein, or with either the statements or conclusions of fact included in said reports and orders of November 8, 1933, and April 18, 1934, which reports and orders are hereby referred to and made a part hereof.

All of which matters and things the Commission is ready to aver, maintain, and prove as this Honorable Court shall direct, and hereby prays that said bill of complaint, as amended, be dismissed.

INTERSTATE COMMERCE COMMISSION,
By E. M. REIDY.

DANIEL W. KNOWLTON,
*Chief Counsel, of Counsel.*

56 [*Duly sworn to by Hugh M. Tate; jurat omitted in printing.*]

57 *Appendix I*

Interstate Commerce Commission

Investigation and Suspension Docket No. 3843

Coal from Indiana to Illinois

Submitted April 6, 1934. Decided April 18, 1934

On argument and reconsideration previous findings that the proposed reduced rates on bituminous coal, in carloads, from mines on the line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company in the Brazil-Clinton and Linton-Sullivan origin groups in Indiana to Rockford and Freeport, Ill., and to certain points intermediate thereto were not justified, and that the suspended schedules be canceled and the proceeding discontinued, affirmed. Original report 197 I. C. C. 245.

Appearances as shown in the original report.

Report of the Commission on Argument and Reconsideration

TATE, *Commissioner:*

In the original report in this proceeding, 197 I. C. C. 245, division 2 found not justified the proposed reduced rates on bituminous coal, in carloads, from mines on the line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, hereinafter called the Milwaukee, in the Brazil-Clinton and Linton-Sullivan origin groups in Indiana to Rockford and Freeport, Ill., and to certain points intermediate thereto in Illinois. An order was entered directing that the suspended schedules be canceled on or before January 22, 1934, and the proceeding discontinued. On January 2, 1934, the respondent filed a petition for rehearing, reargument, and reconsideration before us, and for an extension of the effective date of the order. On January 5, 1934, the effective date of the order was postponed until

58 February 22, 1934, but we denied the petition in all other respects. Respondent then filed a petition in the District Court of the United States for the Northern District of Illinois, Eastern Division, seeking to enjoin the order entered by division 2. That petition was to have been heard on February 21, 1934, but the date for hearing has been postponed from time to time until April 20, 1934. On February 20, 1934, we further postponed until April 23, 1934, the effective date of the outstanding order, and on March 7, 1934, we reopened the proceeding for argument before us, which has been had. The facts are largely stated in the original report, and any so stated will be repeated herein only to the extent necessary. Rates and differentials in rates will be stated in amounts per net ton.

The coal areas in Indiana and Illinois are divided into several groups from which group rates apply. The principal Indiana groups are Brazil-Clinton, Linton-Sullivan, Princeton, and Boonville. The principal Illinois groups, with which we are here concerned, are Springfield and southern Illinois. Keen competition in the sale of coal exists between the Indiana groups on the one hand, and the Illinois groups on the other hand, and also between the individual groups in each of the States named, at the destinations here considered. The rates from the various origin groups in Illinois are definitely related to each other. They are generally in conformity with the findings in the Illinois Coal Cases, 1920, 62 I. C. C. 741, and 64 I. C. C. 751. The rates from the various Indiana groups are closely related to the rates from the Illinois groups and are also differentially related to each other, but in general these relations have not been fixed by us. A differential of 35 cents over the
59 southern Illinois group was fixed from western Kentucky to northern Illinois points, among others, in Illinois-Indiana Coal Cases, 128 I. C. C. 265, and recently affirmed in West Kentucky Coal Bureau v. Illinois Central R. Co., 172 I. C. C. 279.

Southern Illinois is the principal coal-producing territory in Illinois, and the southern Illinois group, one of the several groups in that portion of the State, is considered the base group to destinations in northern Illinois and the Northwest. The rates from other Illinois groups and from western Kentucky are based differentially on those from the southern Illinois group. For many years prior to 1930 the coal rates from the Springfield group in Illinois and the Brazil-Clinton group in Indiana to the destinations here considered were maintained on a parity, 30 cents under those from the southern Illinois group. The rates from the other Indiana groups were and are made of differentials over those from the Brazil-Clinton group. On August 20, 1930, by order of the Illinois Commerce Commission, the intrastate rates from the southern Illinois and Springfield groups, among others, were reduced from $2.17 to $2 and from $1.87 to $1.70, respectively, a reduction of 17 cents in each instance, thus destroying the parity that had existed prior to that date, between the rates from the Indiana groups on the one hand, and the Illinois groups on the

other. Like reductions were later published from the western Kentucky group so as to preserve the relation with the southern Illinois group prescribed in Illinois-Indiana Coal Cases, supra.

Subsequent to the reduction in the Illinois intrastate rates, the principal carriers, including respondent herein, operating
60 within the State of Illinois, filed a complaint with us, in which it was alleged that the reduced rates, hereinbefore referred to, on bituminous coal, in carloads, prescribed by the Illinois Commerce Commission were in violation of section 13 of the Interstate Commerce Act. They asked us to find that the rates assailed were unlawful and would cause an undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce on the one hand, and in interstate commerce on the other, and an undue, unreasonable, and unjust discrimination against interstate commerce. Specific comparisons were made of the rates assailed from the Illinois groups to Rockford, Freeport, and other destinations with the rates from the Indiana groups to the same destinations. In the decision therein, Intrastate Rates on Bituminous Coal in Illinois, 182 I. C. C. 537, hereinafter called the Illinois Case, we found that the rates assailed on bituminous coal, in carloads, from mines in Illinois to Rockford, Freeport, and other points, should not be found unlawful under section 13 of the act until and unless the interstate rates from Indiana groups to the same destinations were increased to a level more nearly commensurate with the general level of the rates on coal in that territory. Based on the rate comparisons introduced in that proceeding, we stated:

"While it is evident that a number of the assailed rates from Illinois groups to Rockford, Freeport, and Dixon are well below the reasonable level of rates in this territory, that appears to be true also of most of the rates from the Indiana groups to the same destinations. For example, the rate from the Brazil-Clinton group to Dixon is only 66.5 percent of the Holmes & Hallowell scale, which is the same
61 percentage of that scale as is reflected by the assailed rate from southern Illinois to Dixon; and the rate from Brazil-Clinton to Freeport is only 67 percent of the scale, as compared with 64 percent from southern Illinois to Freeport and 66 percent from southern Illinois to Rockford. Rates from the more distant Indiana groups to these three destinations range as low as 56 percent of the scale. The Illinois producers urge with much force that their rates to Rockford, Freeport, and Dixon should not be increased so long as such low rates from the Indiana groups to the same destinations are permitted to continue. The principal competition of the Illinois producers at these destinations comes from Indiana, and we find no sufficient justification for requiring any of the Illinois rates to these points to be increased until the low rates from Indiana referred to have been placed upon a level more nearly commensurate with the general level of rates in this territory."

In that proceeding several carriers, including respondent herein, introduced testimony to the effect that not only were the rates prescribed by the Illinois Commerce Commission too low, but that even the interstate rates from the Indiana mines were lower than reasonable maximum rates.

After the decision in the Illinois case, the Milwaukee proposed to reduce the rates from mines on its line in the Brazil-Clinton and Linton-Sullivan groups to the destinations here considered, to the same extent that reductions were made in the intrastate rates in Illinois. Upon protests of several carriers, and Illinois coal operators, we suspended the proposed reduced rates which constitute the issue for determination in this proceeding.

The present rates to Rockford and Freeport from the Brazil-Clinton and Linton-Sullivan groups are $1.87 and $1.92, respectively.

62 The Milwaukee proposes to reduce both of those rates 17 cents, to $1.70 and $1.75 from mines on its line, thereby again placing the rates from the Brazil-Clinton group on the parity which existed prior to August 20, 1930, with the rate from the Springfield group, and basing the rate from the Linton-Sullivan group on the present differential of 5 cents over the rate from the Brazil-Clinton group. Reductions to the level of the rates proposed to Rockford and Freeport are also proposed to intermediate destinations. In view of our finding in the Illinois case, it is obvious that prior to August 20, 1930, producers in the Indiana groups had an advantage over their Illinois competitors at the destinations here considered which the proposed reduced rates from the Indiana groups would reestablish.

In the instant proceeding respondent again testified that all of the rates from Illinois, Indiana, and western Kentucky to the destinations here considered were less than reasonable maxima, thus corroborating the testimony introduced in the Illinois case. For example, at the hearing, Mr. J. T. Averitt, coal traffic manager for the Milwaukee, testified on direct examination, in part, as follows:

"Let me say at the outset I shall not contend that the rates which are in effect from the two districts in Indiana served by our company are more than reasonable rates. As a matter of fact, they are less than reasonable maximum rates as are all the rates from Illinois, Indiana, and western Kentucky measured by any test evolved by the Commission in recent years. I do contend, however, for an equality of opportunity in these markets for the mines served by the Chicago, Milwaukee, St. Paul & Pacific Railroad, which, all conditions considered, they are entitled to have.

63 "Accordingly, rates were reduced from mines served by respondent from its Clinton and Linton, Indiana, groups in the same amount as they were required to be reduced from Illinois under orders of the Illinois Commerce Commission."

On cross-examination, Mr. Averitt testified, in part, as follows:

"Q. (By Mr. Cardy.) Mr. Averitt, as I understand it, the present rates from the Brazil-Clinton and Linton-Sullivan districts to Rockford, you say, are really less than reasonable maximum rates.

"A. I beg your pardon; I did not hear that.

"Q. I say, as I understand it, you say that even the present rates are less than reasonable maximum rates——

"A. I think that all of the rates in Illinois, Indiana, and western Kentucky, to Rockford and Freeport, are less than reasonable maximum rates."

Respondent contends, however, that by reason of the lower rates from the Illinois groups, it is being deprived of tonnage that could well move from mines on its lines in the Brazil-Clinton and Linton-Sullivan groups, which it now attempts to regain by reducing its rates from those groups, despite the fact that it has testified that the present rates are lower than reasonable maximum rates. It points out that although certain of its lines form through routes from those origin groups to Rockford and the other destinations here considered, they also afford the shortest routes from the Illinois groups in connection with other carriers, and that it is required to join in the lower intrastate rates on coal moving from mines in Illinois in competition with coal from mines on its Indiana lines on which it would perform the entire haul, and consequently receive the entire transportation charges.

64 An exhibit, as corrected at the argument, introduced by the Illinois Central Railroad Company, protestant, indicates that the volume of coal moved to Rockford in 1932 from the southern Illinois group was 42.7 percent of that moved in 1929, from the Springfield group 245 percent, from the Brazil-Clinton group 39.6 percent, and from the Linton-Sullivan group 88.1 percent, from all groups in Illinois 53.4 percent, and from all groups in Indiana 87.7 percent. The same exhibit indicates that the volume of coal moved to Rockford in 1931 from the southern Illinois group was 54.3 percent of that moved in 1929, from the Springfield group 187.7 percent, from the Brazil-Clinton group 58.4 percent, from the Linton-Sullivan group 42.5 percent, from all groups in Illinois 58.4 percent, and from all groups in Indiana 88.7 percent. The carrier used 1929 for this comparison because that was the first full year prior to the reductions in the Illinois intrastate rates. The increase in the tonnage of coal from the Springfield group to Rockford during 1931 and 1932 over the tonnage shipped in 1929 resulted from the distribution of coal for relief purposes at Rockford, which coal was purchased at mines in the Springfield group because of the low prices prevailing in that group. This exhibit was introduced for the purpose of showing that, with the exception of the coal shipped from the Springfield group to Rockford for relief purposes, the decrease in the volume of traffic from the Indiana mines to the

destinations here considered, during 1931 and 1932, compared with the 1929 traffic (the year prior to the reduction in the rates from the Illinois mines), was less than the decrease in the movement from the Illinois mines to the same destinations during the same period.

65 On the record we are of the opinion that the percentage of the tonnage from the Indiana groups to the destinations herein considered during the period shown had not decreased as a result of the reduced rates from the Illinois groups.

It appears that the distance, shown in the Illinois case, upon which the southern Illinois relation was based was the short-line distance from that group, and that the Brazil-Clinton relation was based on the average of the distances from all mines in the group. The following table, computed from distances taken from the present record, and apparently representing fairly the average of the short tariff routes from all origins on all lines in the groups, shows the percentage relations of the rates from the origin groups indicated to Rockford and Freeport to the rates for similar distances under the Holmes & Hallowell scale: [1]

| Groups | To Rockford | | | To Freeport | | |
|---|---|---|---|---|---|---|
| | Rate | Distance | Relation to Holmes & Hallowell scale | Rate | Distance | Relation to Holmes & Hallowell scale |
| | | *Miles* | *Percent* | | *Miles* | *Percent* |
| Springfield | $1.70 | 237.9 | 68.5 | $1.70 | 261 | 63.7 |
| Southern Illinois | 2.00 | 365 | 60.9 | 2.00 | 384 | 58.8 |
| Brazil-Clinton | [a] 1.87 | 272 | 68.5 | [a] 1.87 | 304 | 64 |
| Brazil-Clinton | [b] 1.70 | 272 | 62.3 | [b] 1.70 | 304 | 58.2 |
| Linton-Sullivan | [a] 1.92 | 298 | 67.1 | [a] 1.92 | 327 | 63.1 |
| Linton-Sullivan | [b] 1.75 | 298 | 61.2 | [b] 1.75 | 327 | 57.6 |

[a] Present. [b] Proposed.

The Milwaukee objects to the use of the average distances as shown in the above table. It contends that the distances should be computed over its direct route and only from the mines on its line.

66 For example, from mines in its line in the Brazil-Clinton group, the average distance over its direct route to Rockford is 231 miles. It compares the proposed rate of $1.70 from the Brazil-Clinton group to Rockford for 231 miles with a like rate from the Springfield group to Rockford for the average distance from all origins and over all routes, in an attempt to prove that the proposed rate from the Brazil-Clinton group is higher, distance considered, than the rate from the Springfield group. Such a comparison is worthless because like things are not compared. If the short tariff distances from mines on the Illinois Central in the Springfield group were used in comparison with the distance of 231 miles from mines on the Milwaukee in the Brazil-Clinton group, the comparison would

[1] Holmes & Hallowell Co. *v.* G. N. Ry. Co., 69 I. C. C. 11.

favor the Springfield group from which the short tariff distance to Rockford is 199 miles. Such a method of computing distances would tend to destroy all groupings and cannot be adopted.

The Milwaukee urged that as the reduced rates were proposed to apply only from mines on its Indiana lines, the matter now before us relates only to the rates from those mines. It stated that whatever action may be taken by the other lines serving the two origin groups toward meeting the proposed rates would be immaterial, as approximately 95 percent of the coal moving therefrom to Rockford and Freeport moves over its lines. We do not agree with that statement, insofar as it relates to the pertinency of any action which might be taken by the other lines in the group to meet reduced rates established by the Milwaukee. The record indicates that six carriers, in addition to the Milwaukee, serve either one or both of the Brazil-Clinton and Linton-Sullivan groups. The proposal of the
67 Milwaukee, if permitted to become effective, would not only disrupt the long-existing differential relation between the several Indiana groups but it would also have the effect of splitting up the Brazil-Clinton and Linton-Sullivan groups, with lower rates from mines on the Milwaukee in these groups than from mines in the same groups and in the same immediate vicinity on the lines of other competitive carriers.

The coal-producing area in Indiana, consisting of several groups, extends southward from the Brazil-Clinton group (the so-called base group) to the Ohio River. The rates from the more-distant southern groups are based differentially over those from the Brazil-Clinton group. To the destinations here considered the rates from the Linton-Sullivan, Princeton, and Boonville groups are 5, 12, and 15 cents, respectively, higher than the rates from the Brazil-Clinton group. Stated otherwise, rates from the Linton-Sullivan group are 5 cents higher than rates from the Brazil-Clinton group; rates from the Princeton group are 7 cents higher than rates from the Linton-Sullivan group; and rates from the Boonville group are 3 cents higher than the rates from the Princeton group. This differential relation has been voluntarily established by the carriers, including respondent herein, serving the Indiana groups. The proposed reductions would increase the above differentials of 12 and 15 cents from the Princeton and Boonville groups to 29 and 32 cents, respectively, over the Brazil-Clinton group. On the other hand, if the suspended rates are permitted to become effective, and the present differential of 15 cents over Brazil-Clinton group
68 rate is maintained, the rate from the Boonville group to the destinations here considered would become 15 cents less than the rate from the southern Illinois group, although the distance is approximately 50 miles less from the latter group, thus tending to precipitate further reductions in the Illinois intrastate rates.

It is true, the rates from the more-distant southern Indiana groups are relatively lower, distance considered, than the rates from the

Brazil-Clinton and Linton-Sullivan groups, but as the trend of the traffic is to the important markets to the north and northwest of the coal-producing areas, the existing relation is apparently for the purpose of enabling producers in the more-distant southern groups to compete in these markets with producers in the northern groups. Where a group relation has existed for many years, it should not be disrupted except upon very substantial evidence of which this record is devoid. Witnesses expressed the view that if the proposed reduced rates are permitted to become effective, similar reductions will be made, for competitive reasons, by other carriers in the same groups, and that reductions will be sought also from the more-distant southern Indiana groups.

69 Referring to the proposed reductions, Mr. R. P. De Camp, general commerce agent of the Illinois Central, testified in part as follows:

"* * * I firmly believe that if these reductions are confirmed and approved by the Interstate Commerce Commission, the ink will not be dry upon the order vacating the suspension before tariffs of competing lines in the same district will be issued, making the same reductions. Why, it will only be a matter of time, as I see it, in such event, before the Princeton and the Boonville groups will follow with similar reductions. In fact, the Indiana operators on this record contend that if this reduction goes into effect from Brazil-Clinton and Linton-Sullivan mines on the Chicago, Milwaukee, St. Paul & Pacific Railroad, it should be extended to mines in the same groups in the same amount of reduction maintained from the other groups to observe the existing differences or differentials.

"Now, if that should happen, which in all probability may be, all of Indiana goes down 17 cents. How long would it be before drastic requests and strong pressure would be exerted upon Illinois roads to make a similar reduction? Now, if that were done, which is possible, it would produce lower rates to Freeport and Rockford from the large originating groups in Illinois, than apply to Chicago. * * *

* * * * * * *

"* * * I wish to say that this proceeding has, as I see it, the effect of splitting a group, in that lower rates are proposed from certain mines than from all mines. Based on years of experience, I have every reason to believe that that condition could not be maintained. Other roads serving the same groups would exert every effort possible to meet the suspended rates, if they were allowed to become effective. I do not see how, therefore, the reductions could be refused from the other Indiana groups south of these in issue. For illustration, I cannot conceive that the Chicago & Eastern Illinois Railroad, which serves the Princeton group as well as the Linton-Sullivan and Brazil-Clinton groups would sit idly by and not try to adjust their rates so as to participate competitively in the destination markets here in issue. And I have every reason to believe

that if a uniform reduction of 17 cents prevailed from the Indiana groups, which compete so keenly with the Illinois groups, it would only be a matter of time before the entire rate structure would be disrupted and unnecessarily reduced. * * *"

We have refused to find proposed reductions in rates justified when it is shown that they would be harmful to the rate structure as a whole, and therefore are also harmful to the public interest.
70 Container Service, 173 I. C. C. 377, 430. Respondent's proposal would have such an effect. In fact it would be difficult to conceive of a proposal more likely to precipitate unwarranted changes in a keenly competitive rate structure than that here proposed. The proposal, if approved, would result in a disruption of the present long-standing differential basis of rates on bituminous coal which has been voluntarily established by the carriers, including respondent, from the related Indiana groups to the destinations here considered, and would needlessly sacrifice the revenue of the carriers serving the Indiana groups, which would be harmful to the public interest. Coffee from New Orleans, 182 I. C. C. 453.

In Intrastate Rates on Bituminous Coal within Ohio, 192 I. C. C. 413, decided May 2, 1933, we commented upon the low level of the rates on coal in Illinois territory. Therein we said, at pages 427, 428:

"It was frequently referred to in this proceeding that the reduced rates in Ohio were established on the basis of the rates prescribed for application in Illinois, * * * and from Indiana to Illinois * * *. Elaborate comparisons were made between the Ohio reduced rates and those prescribed in Illinois territory. This evidence has had our consideration. It is generally conceded that the basis of rates on coal in the Illinois territory is the lowest in the country. This has greatly been brought about by a competitive condition differing from that in the Ohio territory, although some testimony was introduced to indicate that the actual operating conditions in Illinois are not more favorable than in Ohio. Chicago, in the Illinois territory, is the greatest coal market in this country, and * * * consumes annually 30,000,000 to 35,000,000 tons of coal. It was * * * stated that the rate level to Chicago is the result of keen competition between producers of eastern coal, moved both by rail and water-and-rail, and producers of Illinois and Indiana coals. Like competition also exists between carriers that have their own rails extending from particular groups in Illinois and Indiana to Chicago and whose principal interest is to move coal from their own mines. The rates to Chicago have had a depressing effect upon other rates on bituminous coal in this territory and have resulted in the establishment many years ago of a competitive basis of rates that is on a very low level."
71 In the case last cited we stated that it is generally conceded that the basis of rates on coal in the Illinois territory is the lowest in the country. In the Illinois case we stated that while a

number of the assailed Illinois intrastate rates were well below the reasonable level of rates in that territory, that also appeared to be true of most of the rates from the Indiana groups to the same destinations. In fact, in the latter case we found that the rates from the Indiana groups were somewhat lower than the rates from the Illinois groups. Despite the above finding, the Milwaukee proposes further reductions in the rates on coal from mines on its line in certain Indiana groups to the destinations here considered.

In the Illinois case we prescribed a rate of $1.95 on coal from the southern Illinois group to Chicago, Ill. Therein we found that the continuation of the reduction of 5 cents prescribed by the Illinois Commerce Commission from the Illinois groups to Chicago and a similar reduction in the interstate rates from and to those points, and from the Indiana and western Kentucky groups, would result in a net annual loss to the carriers, based on the tonnage of recent years, of more than $600,000. The record in the instant case shows that certain routes from the southern Illinois group to Rockford operate through Chicago. If the rate from the southern Illinois group to Rockford is reduced a further 17 cents, as in all probability it would be, and which protestants argue would be inevitable, it would result in a rate of $1.83 to Rockford as against a rate 12 cents higher to Chicago, an intermediate point over certain routes. Such a rate could not be maintained to Chicago without fourth-section relief. It would, however, be difficult to justify such relief
72 because Chicago is a much more important market than Rockford, and would at least be entitled to a rate no higher than the rate to Rockford. Based on the coal tonnage to Rockford in 1932 from the Illinois, Indiana, and western Kentucky fields, a 17-cent reduction would result in an annual revenue loss to the carriers approximating $48,600. Should the rate to Chicago be reduced to the level of the rate to Rockford, the net annual revenue loss to the carriers, based upon the tonnage of recent years referred to in the Illinois case, would exceed $1,400,000.

As previously pointed out, the Milwaukee seeks to establish the proposed rates of $1.70 and $1.75 not only to Rockford and Freeport but also to points on its lines in Illinois intermediate thereto.[2] It urges that any comparison of the distances and rates from the Indiana groups with those from Illinois should include such intermediate points. The average short tariff routes from all origins on all lines in the Springfield and Brazil-Clinton groups to all of the destinations named in the footnote, average 252 and 257 miles, respectively. To the last four destinations named, in the eastern portion of Illinois, the average distance from the Brazil-Clinton group, 231 miles, is less than that from the Springfield group by 11 miles. The average distances to all of the other stations named are 258 miles

[2] The principal stations on the Milwaukee between Rockford and Freeport and the Indiana border, as indicated by an exhibit of record, are Forreston, Byron, Davis Junction, Kirkland, Genoa, Elgin, Bensenville, and De Kalb, Ill.

from the Springfield group and 274 miles from the Brazil-Clinton group. To Rockford and Freeport the average distances from the Springfield group are 34.1 and 43 miles, respectively, less than those from the Brazil-Clinton group. Under the proposed rates, the
73 ton-mile revenue from the Brazil-Clinton and Linton-Sullivan groups would be 6.2 and 6 mills, respectively, to Rockford, and 5.5 and 5.3 mills, respectively, to Freeport, as compared with ton-mile revenue of 7.1 and 6.5 mills from the Springfield group to the same respective destinations. As respondent has testified that it considers the rates from Springfield as being lower than reasonable, it is difficult to perceive how it can justify the proposed reduced rates under which the revenue would be still lower than the revenue accruing under the rates from Springfield.

The stations on the Milwaukee to which the reduced rates have been proposed do not take a group rate from the Brazil-Clinton group. The rate to De Kalb is $1.74, to Rockford and Freeport $1.87, and to all other points shown in the footnote $1.80, except that to Forreston, Byron, and Davis Junction the rate is $1.87 over the circuitous route in connection with the line of the Pennsylvania Railroad Company. The Milwaukee's proposal therefore involves a reduction of 17 cents in the rates from the two origin groups to Rockford and Freeport, as compared with a reduction of 4 cents to De Kalb and 10 cents to the other intermediate points, with the exception of the rate over the circuitous route of the Pennsylvania as mentioned above.

Only the rates from mines on the Milwaukee in the Brazil-Clinton and Linton-Sullivan groups are before us in this proceeding. The immediate effect of the Milwaukee's proposal would be to split those groups, with lower rates from mines on that line than from mines on competing lines in the same groups. As hereinbefore indicated, it was testified by witnesses on behalf of protestants that this
74 condition would not long prevail, as the other carriers in those groups would, for competitive reasons, publish similar reduced rates. Such reductions would destroy the differential relations now existing as between those groups and the other Indiana groups, with the probability of mines and carriers in such other groups seeking similar reductions. The reductions here proposed if permitted to become effective would result in a level of rates from the Indiana groups lower than that which we stated, in the Illinois case, to be well below the reasonable level of rates in this territory, and would probably lead to further reductions in the Illinois intrastate rates with like reductions in the rates from western Kentucky for the purpose of preserving the differential basis over the rates from the southern Illinois group prescribed by us, thus needlessly sacrificing the carriers' revenues and impairing their ability to render adequate and efficient railway transportation service.

In Coal Trade Assn. v. Baltimore & O. R. Co., 190 I. C. C. 743, decided January 24, 1933, division 4 prescribed reasonable rates

based on distance on bituminous coal, in carloads, from the Brazil-Clinton, Linton-Sullivan, Princeton-Ayrshire, and Boonville groups in Indiana, to destinations in eastern-central Illinois, including such points as Arcola, Champaign, Decatur, Danville, Effingham, Bloomington, and Hoopeston. The basis therein prescribed applies for distances up to and including 300 miles. For 272 and 298 miles the rates are $2.07 and $2.15, respectively, as compared with the rates of $1.70 and $1.75, respectively, proposed by respondent herein for like distances from the Brazil-Clinton and Linton-Sullivan groups, to Rockford. If the rates be extended at the rate of progression shown for the two last 25-mile blocks, they, for 304 and
75 327 miles, the respective distances from the Brazil-Clinton and Linton-Sullivan groups to Freeport, would be $2.23 and $2.31, as compared with rates of $1.70 and $1.75, respectively, from the Brazil-Clinton and Linton-Sullivan groups to Freeport, proposed by respondent. The rates proposed herein would approximate 82 percent to Rockford and 76 percent to Freeport of the rates prescribed for like distances in the above case. In addition to disrupting the differential relation existing between the several Indiana groups, the proposed rates, compared with rates recently prescribed for like distances in this general territory, would be unreasonably low.

That a rate may be unreasonable because of being too low as well as because of being too high was recognized by the Supreme Court as long ago as Interstate Com. Commission v. Railway Co., 167 U. S. 479, 511.

In Ex-Ohio-River Coal to Ohio Points, 185 I. C. C. 211, proposed reduced rates on ex-river coal between points in Ohio were found not justified, chiefly because of the effects which those rates would have on the all-rail movement of coal to Ohio destinations. There the rates were not challenged as less than reasonable minima or as casting an undue burden on other traffic. Division 4 said, page 219:

"To upset or seriously to menace a general rate structure lawfully established suffices to make proposed rates calculated to effect such a disruption unreasonable and unlawful. Trunk-Line and Ex-Lake Iron Ore Rates, 69 I. C. C. 589. That principle was followed in Grain and Grain Products, 115 I. C. C. 153, with the statement that approval of the schedules there considered would inevitably lead to a disruption of the grain-rate structure, would have marked effects upon distribution and marketing, the extent of which could not be adequately foreseen, and of necessity would impair the carriers' revenues and their ability to render satisfactory service."

76 The reasonableness under section 1 of the act which we have thus the power and the duty to find in the rates here protested is supported by the provisions of section 15a. In Ex-Lake Iron Ore from Chicago to Granite City, 123 I. C. C. 503, we said:

"Plainly we are justified in condemning a rate on the ground that it is unreasonably low, where it is shown that it will cause loss rather

than gain to the publishing road or roads and will thus impose a burden upon other traffic. In suspension proceedings, in view of the burden of proof, we are justified in condemning a proposed rate, protested as too low, if the carriers which sponsor it do not sufficiently show that it will cause gain rather than loss. But our authority, in our opinion, goes further. We are justified in condemning a proposed rate as too low if the evidence warrants the conclusion that it will, because of its lowness, tend to precipitate changes in rate structure or in traffic which will be harmful to the public interest, having in mind our responsibility for railroad earnings in general under section 15a."

Under Transportation Act, 1920, there was imposed on us an affirmative duty "to fix rates and to take other important steps to maintain an adequate railway service for the people of the United States." Railroad Commission of Wisconsin v. Chicago, B. & Q. R. R. Co., 257 U. S. 563.

That act was amended by the Emergency Transportation Act, 1933. There somewhat different language was used, as follows:

"15a. (2) In the exercise of its power to prescribe just and reasonable rates the Commission shall give due consideration, among other factors, to the effect of rates on the movement of traffic; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management, to provide such service."

The new legislation made even more imperative our duty to fix rates that will enable an adequate railway service to be main-
77 tained. As to this the effect of the amended act is: "the substituted rule of rate making by its express terms emphasizes the carriers' need of adequate revenues." "The new act discloses no intention to weaken national control for essential national purposes over the railway system of the country. It was rather designed to aid that control in the light of the depressed economic condition of the railways." Florida et al. v. United States et al., decided by the United States Supreme Court, April 2, 1934.

In no. 26210, Gasoline from San Francisco Bay Points to Ogden, Utah, — I. C. C. —, decided February 6, 1934, in exercising the minimum rate power conferred on us by the act, we found certain reduced rates established by the Southern Pacific Company on gasoline from refineries on and adjacent to San Francisco Bay to Ogden, Utah, and certain intermediate points to be unjust and unreasonable, and prescribed a reasonable minimum rate.

We find that the proposed rates if permitted to become effective, would lead to a disruption of the rate structure on coal in the Indiana and related areas, thus impairing the revenue of the carriers serving those areas and their ability to provide the adequate and

efficient transportation service contemplated by section 15a of the act; that they would cause a disruption of the individual groups from which the rates are proposed; and that they would cause a disruption of the long-standing rate relation existing for competitive purposes, between the several Indiana groups.

We find that the proposed rates would be unreasonable and in violation of sections 1 (5) and 15a (2) of the act.

The findings in the original report are affirmed.

78 McMANAMY, *Commissioner*, dissenting:

As stated by the majority, the order of the Illinois Commerce Commission of August 20, 1930, reducing the rates from the southern Illinois and Springfield groups, destroyed the parity which had previously existed between the rates from the Indiana groups on the one hand and the Illinois groups on the other. Like reductions have been published from the western Kentucky group to preserve the relationship with Illinois. The rates here under suspension represent an effort on the part of the Chicago, Milwaukee, St. Paul & Pacific to retain its traffic by restoring the relationship which previously existed insofar as that carrier can do so. If, as we have found, the rates prescribed by the Illinois Commission are not unreasonably low or otherwise unlawful, I am unable to see wherein the rates here involved are unlawful.

FARRELL, *Commissioner*, dissenting:

For reasons the same in substance as those stated by me in my dissenting expression in the Gasoline Case referred to in the report, no. 26210, I am unable to concur in the conclusions of the majority. The pertinent facts do not appear to me to establish a violation of paragraph (5) of section 1 of the Interstate Commerce Act, and therefore cannot indicate a violation of paragraph (2) of section 15a of the act, because the latter paragraph covers only matters to be considered by the Commission in prescribing just and reasonable rates to take the place of those it finds to be unreasonable, upon such record as may be made in the full hearing provided for in paragraph (1) of section 15 of the act.

79 The fact that the reductions in rates proposed by the Milwaukee will interfere with group adjustments heretofore made by and between carriers serving Indiana mines does not appear to me to be a sufficient reason for denying to the Milwaukee the right it would otherwise have under the act. Also, it will be observed that the Milwaukee is simply endeavoring to reestablish, as between mines on its lines in Indiana on the one hand and mines in the Springfield, Illinois, group on the other, the parity of rates which existed during many years prior to August 20, 1930, and that subsequent to the date mentioned the carriers serving mines in western Kentucky were permitted to make a like readjustment.

80 ORDER

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of April, A. D. 1934

Investigation and Suspension Docket No. 3843

Coal from Indiana to Illinois

It appearing that on November 8, 1933, the Commission, division 2, made and filed its report and entered its order in the above-entitled proceeding; that the effective date of said order was subsequently postponed until April 23, 1934; that by order entered March 7, 1934, the Commission reopened said proceeding for oral argument and reconsideration; and that the Commission has, on the date hereof, made and filed its report on argument and reconsideration in said proceeding containing its findings of fact and conclusions thereon, which said report and said prior report of November 8, 1933, are hereby referred to and made parts hereof:

It is ordered that the aforesaid order heretofore entered in said proceeding on November 8, 1933, as since amended, which by its present terms requires cancellation of the suspended schedules on or before April 23, 1934, be, and it is hereby, affirmed.

By the Commission.

[SEAL] GEORGE P. MCGINTY,
*Secretary.*

81 In United States District Court for the Northern District of Illinois, Eastern Division

In Equity, No. 13726

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY, PLAINTIFF

*vs.*

UNITED STATES OF AMERICA, DEFENDANT

*Memorandum opinion*

June 13, 1934

On the fourteenth day of February, A. D. 1934, Chicago, Milwaukee, St. Paul & Pacific Railroad Company filed its bill of complaint herein praying that a preliminary or interlocutory order or injunction be entered restraining and suspending the enforcement, operation, and execution of an order of the Interstate Commerce

Commission by division 2, dated the eighth day of November, A. D. 1933, Investigation and Suspension Docket No. 3843 cancelling certain proposed tariffs on bituminous coal filed with the Commission by the plaintiff and that defendant, United States of America, its officers and agents be enjoined and restrained from enforcing said order until the final determination of this case, and that upon final hearing herein a decree be entered perpetually enjoining, suspending, annulling, and setting aside the enforcement, operation, and execution of said order.

82 Following the filing of the bill of complaint the Commission postponed the effective date of said order until April 23, 1934. On March 7, 1934, the Commission reopened said proceedings for oral argument and consideration and on the eighth day of April the Commission made and filed its report with its findings of fact and conclusions thereon and ordered that the order theretofore entered on the eighth of November 1933 be affirmed. These subsequent proceedings by the Commission were brought to the attention of the court by a supplement to the original bill herein. Answers have been filed by the original defendant and intervenors, briefs and arguments submitted, and the cause submitted to the court for final determination.

On the twenty-second day of November 1933, the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, plaintiff, filed tariffs with the Interstate Commerce Commission to become effective on the twenty-third day of December 1932, which fixed rates of $1.70 per ton on bituminous coal from mines on its railroad in Clinton district, located in Vermillion and Bigo Counties in the State of Indiana to various destinations located on its railroad in northern Illinois, including Rockford and Freeport, and also fixed rates of $1.75 per ton on bituminous coal from mines on its railroad in the Linton district located in Vigo, Sullivan, Greene, and Clay Counties in the State of Indiana to each of said destinations in northern Illinois, said rates of $1.70 and *$175* per ton, respectively, constituting reductions of ten cents per ton under the rates theretofor in effect from said Clinton and Linton districts in Indiana to eight of the said destinations, reductions of four cents per ton to five

83 of the destinations, and seventeen cents per ton to the remaining destinations, including Rockford and Freeport; that prior to the effective date of said tariffs certain associations representing coal-producing interests in Illinois and certain railroads serving coal mines in Illinois and the Illinois Commerce Commission filed protests with the Commission against the said tariffs and asked the Commission to institute a proceeding inquiring into the lawfulness of the proposed rates and tariffs; that on the twenty-second day of December 1932 the Commission entered its order suspending the operation of said proposed tariffs until the twenty-third day of July 1933, and have since entered an order cancelling such tariffs.

It appears from the evidence taken before the Commission that for many years prior to the twentieth day of August 1930 plaintiff was engaged in the transportation of bituminous coal from the mines in said mining district in Indiana to destinations in Illinois, including Rockford and Freeport, and that the rates applicable for movement of said coal from said Clinton district in Indiana to Rockford, Illinois, from the first day of April 1913 to the twentieth day of August 1930 were the same as rates from the so-called "Springfield group" in Illinois to Rockford, Illinois; that in a certain proceeding pending before the Illinois Commerce Commission said commission by an order which became effective on the twentieth day of August 1930 reduced the rates on bituminous coal moving intrastate from the origin mines in Illinois to Rockford and Freeport, seventeen cents per ton; that subsequently in a proceedings before the Interstate Commission under section 13 of the Interstate Com-

84 merce Act in which it was urged that the rates required by the Illinois Commerce Commission to be assessed as maxima for the transportation of coal from mines in that said district to Rockford and Freeport, Illinois, were unlawful and caused undue and unreasonable advantage, preference, and prejudice as between persons or localities in intrastate commerce on the one hand and interstate commerce on the other hand and as unjustly and unreasonably discriminating against interstate commerce, a hearing was had before the Interstate Commerce Commission and said Commission (182 I. C. C. 537) refused to require the said Illinois intrastate rates to be increased. It found in that case that the rates fixed by the Illinois Commerce Commission for the hauling of bituminous coal to Rockford and Freeport should not be found unlawful under section 13 of the act until and unless the interstate rates from the Indiana groups (including the Brazil-Clinton and Linton-Sullivan groups) to the same destinations were increased to a level more nearly commensurate with the general level of the rates on coal in this territory (p. 564).

In the hearing under consideration in this ca'e on the proposed rates of the Milwaukee, while it was admitted that its present rates are below a reasonable maximum, there was no evidence presented that such rates were below a reasonable minimum nor that they were noncompensatory. The Commission based its final order solely upon findings that "the proposed rates, if permitted, to become effective would lead to a disruption of the rate structure on coal in Indiana and related areas, thus impairing the revenue of the carriers serving these areas and their ability to provide the adequate and

85 efficient transportation contemplated by section 15 (a) of the act; that they would cause a disruption of the individual groups from which the rates are proposed; and they would cause a disruption of the long-standing rate relations existing for competitive purposes between the several Indiana groups", and that the

proposed rates would be unreasonable and in violation of section 1 (5) and 15a (2) of the act.

There seems to be no question but that the Milwaukee is in a position to serve the mines in the Brazil-Clinton and Linton-Sullivan groups which are on its lines at a much cheaper rate than other carriers whose lines touch coal mines in the same vicinity and more cheaply that the lines in Illinois can carry coal from the northern Illinois and Springfield groups to Rockford and Freeport. The protestants, in the hearing before the Commission, made no attempt to show that the proposed rates of the Milwaukee were unreasonable low for the service given. The sole contention of the protestants was that the lower rates proposed by the Milwaukee would disrupt the general rate structure on coal from the various mining groups in Indiana, Kentucky, and southern Illinois. To support this contention they produced as a witness one R. R. De Camp, general commerce agent of the Illinois Central Railroad, who testified that he firmly believed that if the proposed reduction in rates by the Milwaukee were confirmed and approved by the Commission, before the ink would be dry upon the order vacating the suspension of the proposed rates of the Milwaukee new tariffs of competing lines in the same district would be issued making the same reduction, and if that should happen all of Indiana would go down seventeen
86 cents; further, that he had every reason to believe that if a uniform reduction of seventeen cents prevailed from the Indiana groups which compete so keenly with the Illinois groups it would be only a matter of time before the entire rate structure would be disrupted and unnecessarily reduced.

We do not feel that a mere belief of a witness as to what may happen in the future, even if he be an expert, is entitled to much weight as evidence. The belief in this case does not appear to have been founded upon facts or scientific observation as is required of an expert in any other line before his opinion becomes competent. The finding of the Commission, however, appears to be based solely upon such expressions as to the future effect of the proposed rates of the Milwaukee.

The Commission finds, as stated above, that the proposed rates of the Milwaukee are in violation of section 1 (5) and 15a (2) of the Interstate Commerce Act, section 1 (5) provides simply that "all charges made for any service rendered or to be rendered in the transportation of passengers or property * * * shall be just and reasonable." There is no evidence that the proposed rates in and of themselves are unreasonable. The carrier has a right to initiate rates. United States v. Illinois Central Railroad Co., 263 U. S. 516. There is no presumption that a rate so initiated is unreasonably low. On the contrary the burden is upon the party complaining to establish that fact, and in the absence of evidence the initiate rate must stand. Anchor Coal Co. v. United States, 25 F. (2) 462.

87 A reduction by the Milwaukee of the coal rates will, other things being equal, benefit both the consumers of coal at the points of destination and the producers of coal at the points of origin, and as said by the court in Texas and Pac. Ry. Co. v. United States, 289 U. S. 627, 638, "The act was passed for the protection of those who pay or bear the rates."

Further, the Milwaukee has the right within the zone of reasonableness to adopt such rates as will enable it to obtain or retain desired traffic for its own lines. Texas and Pac. Ry. Co. v. United States, supra. It has a through line from coal mines in the Brazil-Clinton and Linton-Sullivan groups to Rockford, Freeport, and certain intermediate destinations. It has adopted a rate which will enable those mines to undersell in the destinations mentioned, coming from mines not so favorably situated, with the result that the Milwaukee will derive a greater revenue and the buyers of coal at those destinations will obtain that commodity at a lower price. In the absence of evidence that the proposed rate is not compensatory or below a reasonable minimum there is nothing in section 1 (5) of the act which justifies the Commission in setting it aside.

There still remains the question whether the order of the Commission is authorized by section 15 a (2). It is on this section the Commission and the defendants herein seem principally to rely. The reason, and the only reason, given for cancelling the proposed rates is that a rate war would likely result and the present rate structure would be disrupted. As a matter of fact the rate structure was disrupted when in 1930 the Commerce Commission per-
88 mitted reductions from the mines in Springfield and southern Illinois to Freeport, Rockford, and intermediate destinations.

There is no evidence in the record that the present rate structure is fair or that it is reasonable; no evidence that its disruption would necessarily lead to the introduction of unfair or unreasonable rates. Further, that situation is within the control of the Commission. It is not necessary that it sanction other changes of rates, if such new rates are below a reasonable minimum, or are noncompensatory.

Section 15 a (2) of the act as amended in 1933 provides that the Commission, in the exercise of its power to prescribe just and reasonable rates, shall give due consideration, among other factors, to the effect of rates on the movement of traffic; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with furnishing such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management, to provide such service. There is no evidence that the proposed rates of the Milwaukee will interfere with adequate and efficient railway service. Some mention was made in the evidence of the fact that some mines in the Brazil-Clinton and Sullivan-Linton districts, a very small proportion of all the mines in the two districts, are not located so they can be served by

the Milwaukee but have to depend on other lines of railroad which would have to carry the coal by a much longer route and through other connecting carriers to deliver it to Rockford, Freeport, and other destinations involved in this proceeding. But we do not understand the act to mean that the Commission should compel a
89 carrier to charge a rate higher than a reasonable minimum, and compel shippers favorably located to pay such higher rates in order to favor other mines less favorably located or to increase the revenue of other carriers having a less direct route to the destinations involved.

Defendants have called our attention to Jefferson Island Salt Mining Co. v. United States, 6 F. (2d) 315 as supporting their contentions, stating that is the only direct decision on the question of the power of the Commission to prescribe minimum rates, even in the absence of evidence that the existing rate which that minimum required to be increased was noncompensatory or in itself unreasonably low from the carrier's viewpoint. But that case was decided under section 15a (2) as it stood after the amendment of 1920, and it was very considerably changed by the amendment of 1933. As it stood in 1920 the Commission was authorized to initiate, modify, establish, or adjust rates so that carriers as a whole (or as a whole in each of such rate groups as the Commission might from time to time designate) would under honest, efficient, and economical management earn an annual net operating income equal as near as might be to a fair return upon the aggregate value of the railway property of such carriers held for and used for in the service of transportation. There is nothing in the section as it now stands authorizing the Commission to establish rates above a reasonable minimum for one railroad merely to enable another railroad in the group not so well situated, to earn a fair return, even if the act of 1920 did so provide. Nor is there any evidence in the record that the proposed rates of the Milwaukee if allowed to stand will so affect the earning capacity of any other railroad.

It is our opinion that the order of the Commission
90 should be perpetually enjoined.

EVAN A. EVANS,
*U. S. Circuit Judge.*
JOHN P. BARNES,
*U. S. District Judge.*
WILLIAM H. HOLLY,
*U. S. District Judge.*

91 In United States District Court for the Northern District of Illinois, Eastern Division

In Equity No. 13726

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, PLAINTIFF

*v.*

UNITED STATES OF AMERICA, DEFENDANT

*Findings of fact and conclusions of law*

June 13, 1934

Having heard the parties and their counsel, the court being advised in the premises makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

I. Plaintiff is a carrier that owns and operates lines of railroad in the States of Indiana, Illinois, Wisconsin, and certain other States, and is engaged in both interstate and intrastate transportation.

II. On November 22, 1932, plaintiff filed tariffs to become effective December 23, 1932, fixing rates of $1.70 per ton on bituminous coal from mines on its railroad in the Clinton district in Indiana, to thirty-eight destinations on its railroad in northern Illinois, including Rockford, Freeport, Elgin, and DeKalb, Illinois, and also fixing rates of $1.75 per ton on bituminous coal from mines on its railroad in the Linton district in Indiana, to the same destinations, which said proposed rates constituted reductions of from four to seventeen cents per ton under the then existing rates. On December 22, 1932, the I. C. C. entered an order suspending the operation of said proposed tariffs until July 23, 1933, and subsequently the effective date of the said schedules and tariffs was further postponed until April 23, 1934.

92 III. Effective August 20, 1930, the Illinois Commerce Commission reduced the intrastate rates on bituminous coal from origin points in Illinois, to Rockford and Freeport, Illinois, seventeen cents per ton. The Interstate Commerce Commission, in docket no. 23130, a proceeding under section 13 of the Interstate Commerce Commission Act, in which it was charged and alleged that the rates required by the Illinois Commerce Commission to be assessed as maxima for the transportation of coal within Illinois from mines in that State to Rockford and Freeport, Illinois, were unlawful, preferential, and prejudicial, as between persons and localities in intrastate commerce on the one hand, and interstate commerce on the other, and unreasonably discriminatory against interstate commerce, refused to require said intrastate rates to be increased. Following

the report and decision of the Interstate Commerce Commission in said docket no. 23130, the rates on bituminous coal from western Kentucky to said destinations in northern Illinois, were permitted by the Interstate Commerce Commission to be reduced so as to restore the relationship which existed between the rates from western Kentucky and Illinois, respectively, to said destinations in northern Illinois, prior to the order of the Illinois Commerce Commission, effective August 20, 1930. Plaintiff thereupon filed its proposed schedule of rates on bituminous coal from mines located on its railroad in Indiana to the destinations named in northern Illinois, which said proposed schedules would have restored the relationship which had existed for many years prior to August 20, 1930, between the rates from the said Indiana mines to the destinations named and the rates from Illinois mines to the same destinations.

IV. Plaintiff has a single line of railroad from mines on its railroad in Indiana to said destinations in northern Illinois, and has for many years transported a large volume of coal from said Indiana mines to said Illinois destinations, which said volume of coal
93 has been materially diminished since the reduced intrastate rates prescribed by the Illinois Commerce Commission for substantially the same haul and for relatively equal service, mileage considered, became effective. The volume of coal traffic from the Clinton group in Indiana to Rockford, Illinois, in 1932, was 39.6 percent of the 1929 volume, and from the Springfield group in Illinois to Rockford, Illinois, in 1932, was 245 percent of the 1929 volume; and the aforesaid reduction in volume of coal moving from the Clinton group in Indiana to Rockford, Illinois, was due, in part, to the disparity in rates brought about by the reduced intrastate rates prescribed by the Illinois Commerce Commission.

V. The rates which plaintiff is required to charge for the transportation of coal from the Indiana origin points named to the destinations in northern Illinois, via its said single line, are relatively higher, distance considered, than the rates in which plaintiff is compelled to join with other railroad companies for the movement of coal from Illinois mines to the same destinations.

VI. The rates proposed by plaintiff in the tariff ordered to be canceled are relatively higher, distance considered, than the rates in which plaintiff is compelled to join with other railroads for the movement of coal from Illinois mines to the destinations of northern Illinois.

VII. Plaintiff transports over its single line short route from said Linton and Clinton districts in Indiana to said destinations in Illinois, approximately 95 percent of the coal moving from said origin groups in Indiana to said destinations in Illinois, while all other carriers serving said origin groups in Indiana transport only approximately 5 percent of the coal moving from said origin groups in Indiana to said destinations in Illinois.

VIII. Plaintiff had duly invoked and had exhausted all its rights and remedies at law before seeking relief in equity.

94 IX. The order of the Interstate Commerce Commission which is here attacked is unfair and discriminates against the plaintiff.

CONCLUSIONS OF LAW

I. That the order of the Interstate Commerce Commission of November 8, 1933, as affirmed April 18, 1934, is not supported by substantial evidence.

II. That there was no substantial evidence in the record to justify a finding by the Interstate Commerce Commission that the rates proposed were unlawful in violation of the Interstate Commerce Act.

Plaintiff is entitled to a decree perpetually enjoining the enforcement of the order of the Commission.

EVAN A EVANS,
*Circuit Judge.*
JOHN P. BARNES,
*District Judge.*
WILLIAM H. HOLLY,
*District Judge.*

95 In United States District Court for the Northern District of Illinois, Eastern Division

In Equity No. 13726

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, plaintiff

*v.*

UNITED STATES OF AMERICA, DEFENDANT, AND INTERSTATE COMMERCE Commission et al., intervening defendants

*Final decree*

June 21, 1934

On the twentieth day of April 1934, this cause came on to be heard on plaintiff's application for a permanent injunction, and all parties being present by counsel, the court, after hearing the evidence and the arguments of counsel and considering the briefs filed, and being fully advised in the premises, finds the law and the facts to be as contained in the memorandum opinion, the findings of fact, and conclusions of law filed herein on June 13, 1934, and further finds that the interlocutory injunction heretofore entered on the twentieth day of April 1934 shall be made permanent.

It is therefore ordered, adjudged, and decreed by the court that the interlocutory injunction entered herein on the twentieth day of
96 April 1934 be, and the same is hereby, made permanent, and that the defendants, United States of America and the Interstate Commerce Commission, and each of them, their officers, attorneys, agents, and employes be, and they are hereby, permanently enjoined and restrained from enforcing or in any manner attempting to enforce or carry out the order of the Interstate Commerce Commission entered in Investigation and Suspension Docket No. 3843, Coal from Indiana to Illinois, dated November 8, 1933, and reaffirmed on April 18, 1934.

EVAN A. EVANS,
*United States Circuit Judge.*
JOHN P. BARNES,
*United States District Judge.*
WILLIAM H. HOLLY,
*United States District Judge.*

Approved as to form:

ELMER B. COLLINS,
*Special Assistant to the Attorney General.*
EDWARD M. REIDY,
*Assistant Chief Counsel, Interstate Commerce Commission.*
WALTER MCFARLAND,
GUY A. GLADSON,
ELMER A. SMITH,
J. T. QUISENBERRY,
*Solicitors for Intervening Railroads.*
GALLAGHER, RINAKER, WILKINSON & HALL,
*Solicitors for Binkley Mining Co. et al., Interveners.*

96a In United States District Court

[Title omitted.]

*Stipulation re supplemental pleadings*

Filed August 6, 1934

It is hereby stipulated and agreed between the parties that when the above cause came on for final hearing before the specially constituted court on April 20, 1934, petitioners orally made a motion that the bill of complaint theretofore filed attacking the Commission's order of November 8, 1933, be treated and considered as a supplemental bill of complaint attacking also the Commission's supplemental report and order of April 18, 1934, which said report and order were then and there offered and received in evidence. Such motion was granted by the court.

Thereupon defendants and intervening defendants at the same time orally made a motion that the answers theretofore filed to the original bill of complaint be treated and considered as their answers to the supplemental bill. Such motion was granted by the court.

Dated August 6, 1934.

96b Elmer B. Collins, Special Assistant to the Attorney General, for the United States of America. Daniel W. Knowlton, E. M. Reidy, for the Interstate Commerce Commission. H. H. Larimore, Walter McFarland, Elmer A. Smith, John T. Quisenberry, for intervening railroad defendants. Carson L. Taylor, E. B. Wilkinson, for petitioners, appellees.

Approved August 6, 1934.

WALTER C. LINDLEY,
*U. S. District Judge.*

97 In United States District Court

*Order designating judge*

Public business requiring, I hereby designate and assign the Honorable Walter C. Lindley, United States District Judge for the Eastern District of Illinois, to hold United States District Court in the Northern District of Illinois during the present term.

SAMUEL ALSCHULER,
*Senior United States Circuit Judge in and for the Seventh Judicial Circuit.*

CHICAGO, ILLINOIS, *July 2, 1934.*

98 In United States District Court

[Title omitted.]

*Stipulation re transcript of record*

Filed August 6, 1934

On the hearing of the application for a permanent injunction, the petitioners offered in evidence a certified full copy of the transcript of the record of the evidence and proceedings before the Interstate Commerce Commission in the proceeding entitled "I. & S. Docket No. 3843, Coal from Indiana to Illinois", consisting of a total of 239 pages of the oral testimony of the witnesses and 45 exhibits, and the same having been received in evidence by the court, and the defendant and intervening defendants having seasonably filed and served a condensed narrative of the transcript of the evidence and proceedings for the determination of the appeal; and now, for the purpose of reducing and settling the record on appeal pursuant to

equity rule 75, the parties by their respective counsel (and with the approval of the court) stipulate:

(1) The within and attached narrative is a true and correct transcript in narrative form of all of the oral testimony introduced
99 at the hearing before the Commission as the same is contained in the official typewritten transcript of the proceedings referred to.

(2) The narrative shall be substituted for the original transcript of the oral testimony so certified by the Commission, and shall be incorporated in the record on appeal and shall have the same force and effect upon the appeal as the original testimony.

(3) The exhibits in the certified copy of the transcript, which were introduced at the hearings before the Commission, nos. 1 to 44, inclusive, and one unnumbered exhibit, shall be incorporated and printed in the record on appeal in their entirety, and shall have the same force and effect upon the appeal as the original exhibits.

Dwight H. Green, United States Attorney; Harold M. Stephens, Assistant Attorney General; Elmer B. Collins, Special Assistant to the Attorney General; for the United States of America. Daniel W. Knowlton, E. M. Reidy, for the Interstate Commerce Commission. H. H. Larimore, Walter McFarland, Elmer A. Smith, J. T. Quisenberry, for Intervening Railroad Defendants. Carson L. Taylor, E. B. Wilkinson, for Plaintiff-Appellees.

Done this 6th day of August, 1934.

*Order*

It is ordered, That the within and attached stipulation and narrative be, and the same are hereby, approved; and in preparing, certifying, and transmitting the transcript of the record to the Supreme Court of the United States the clerk is directed to proceed in accordance therewith.

WALTER C. LINDLEY,
*United States District Judge.*

CHICAGO, ILLINOIS, *August 6, 1934.*

101 And on, to wit, the 6th day of August 1934, came the defendants by their attorneys and filed in the clerk's office of said court a certain narrative statement of evidence and other documents submitted to the Commission and introduced in the district court, in words and figures following, to wit:

102 Interstate Commerce Commission, Washington

I, George B. McGinty, Secretary of the Interstate Commerce Commission, do hereby certify that the schedule hereto attached is a

true copy of Supplement No. 76 to Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Local, Joint and Proportional Commodity Tariff, I. C. C. No. B–5133, said schedule having been filed with the said Interstate Commerce Commission on November 22, 1932.

In witness whereof I have hereunto set my hand and affixed the seal of said Commission this 12th day of February, A. D., 1934.

[SEAL] GEORGE B. MCGINTY,
*Secretary of the Interstate Commerce Commission.*

103 Supplement No. 76 to I. C. C. No. B–5133. Cancels Supplement No. 75. Supplements Nos. 48, 61, †64, 73, 74, and 76 contain all changes from the original tariff that are effective on the date hereof.

Supplement No. 76 to C., M., St. P. & P. & P. G. F. D. No. 15200–B. Cancels Supplement No. 75. Supplements Nos. 48, 61, 64 (†special supplement providing for application of emergency charges), 73, 74 and 76 contain all changes from the original tariff that are effective on the date hereof.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company

In connection with lines shown on page 3 of Tariff, as Amended

Supplement to local, joint, and proportional commodity tariff naming rates on Bituminous Coal, Carloads, from Mines in Indiana on Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Terre Haute Division) (as shown on page 4 of Tariff, as amended), to stations on the Chicago, Milwaukee, St. Paul and Pacific Railroad Company and connecting lines in Illinois, Iowa, Kansas, Michigan (Upper Peninsula), Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

Issued November 21, 1932. Effective December 23, 1932. (Except as otherwise provided herein.)

Departure from the terms of Rule 9 (e) of Tariff Circular No. 20 is authorized under special permission of the Interstate Commerce Commission No. 119220, of October 7, 1932.

Note A.—Departure from the terms of the amended fourth section of the Interstate Commerce Act is permitted by authority of Interstate Commerce Commission Fourth Section Order No. 10433 of July 29, 1930.

Issued by M. F. Edbrooke, asst. general freight agent, 516 W. Jackson Blvd., Chicago, Ill.; J. T. Averitt, coal traffic manager, Chicago, Ill.; O. T. Cull, general freight agent, Chicago, Ill.

(H.V.S.)

Supplement No. 76 to G. F. D. No. 15200–B.

103A [Supplement No. 76 to C., M., St. P. & P. G. F. D. No. 15200-B]

*Supplement No. 76 to individual carriers' tariff numbers*

| Name of carrier | Tariff no. |
|---|---|
| Chicago and Eastern Illinois Railway | 1917-A. |
| Chicago, Rock Island and Pacific Railway Company | 28145-F. |
| Great Northern Railway | 2029-B. |
| Illinois Central Railroad | Coal Tariff 3035-B. |
| Northern Pacific Railway Company | 3485-B. |
| Union Pacific Railroad | 1028-B. File 47. |

Item no. 1-D cancels item no. 1-C.

*Alphabetical list of stations from which rates named herein apply*

| Stations | District | Stations | District |
|---|---|---|---|
| Beehunter, Ind | Eliminate. Mines abandoned. | Meeks, Ill | Eliminate. Mines abandoned. |
| Blackhawk, Ind | Linton. | Midland, Ind | Eliminate. Mines abandoned. |
| Blanford, Ind | Clinton. | New Goshen, Ind | Eliminate. Mines abandoned. |
| Bradshaw, Ind | Clinton. | Quaker, Ill | Eliminate. Mines abandoned. |
| Coalmont, Ind | Linton. | Randall, Ind | Eliminate. Mines abandoned. |
| Humrick, Ill | Eliminate. Mines abandoned. | St. Bernice, Ind | Clinton. |
| Hymera, Ind | Linton. | Spring Hill, Ind | Eliminate. Mines abandoned. |
| Ilene, Ind | Linton. | Sullivan, Ind | Linton. |
| Jasonville, Ind | Eliminate. Mines abandoned. | Terre Haute, Ind | Clinton. |
| Keller, Ind.[1] | Linton.[1] | Vicksburg, Ind | Linton. |
| Latta, Ind | Linton. | West Clinton, Ind | Clinton. |
| Lewis, Ind | Eliminate. Mines abandoned. | West Dana, Ind | Eliminate. Mines abandoned. |
| Linton, Ind | Linton. | | |

[1] Reduction.

Item no. 10-B cancels item no. 10-A.

## Commodities Taking Bituminous Coal Rates

Except as otherwise specifically provided, rates named in Tariff, as Amended, on Bituminous Coal, other than Pea; Slack, Screenings, or Fine Coal, will also apply on blacksmith coal or smithing coal, and coal briquettes manufactured from hard coal, soft coal, or mixture of hard and soft coal (from which no byproducts have been extracted), pressed into forms by use of a binder.

Rates shown in tariff, as amended, applicable on pea, slack, screenings, or fine coal, will be governed as to description by the following clause, viz: "Rates apply only on bituminous coal which will pass through bar screen not exceeding one and one-half (1½) inches between bars or its equivalent, a two-inch mesh or a two-inch round perforation."

Reissued from Supplement No. 75, effective December 17, 1932.

Item no. 17-A cancels item no. 17.

Furnishing of Larger Coal Cars for Carriers' Convenience when Smaller Cars are Ordered by Shippers

When shipper orders a car of certain weight carrying capacity, and a car of greater weight carrying capacity is furnished for the convenience of this carrier, freight charges will be assessed on the basis of the actual weight of the load, but not less than the minimum carload weight applicable to a car of the size or capacity ordered.

In no case must shipments be billed at minimum weight prescribed for car of less capacity than 80,000 pounds.

Orders will not be accepted for cars of less capacity than 80,000 pounds.

Expires with December 31, 1933, unless sooner cancelled, changed, or extended.

Reissued from Supplement No. 75, effective January 1, 1933.

*Index of points to which rates apply*

Index of stations to which rates named herein apply is as shown on pages 6 to 49, inclusive, of Tariff, as Amended, except:

| Station | Road | Index no. | Station | Road | Index no. |
|---|---|---|---|---|---|
| Evanston, Iowa | C. G. W. | (1) | Lehigh, Iowa | C. G. W. | (1) |
| Evanston, Iowa | Ft. D. D. M. & S. | 6337 | | | |

[1] Eliminate.

103B *Supplement No. 76 to C. M. St. P. & P. G. F. D. No. 15200-B*

Rates named in this supplement supersede rates named in tariff appearing on pages 50, 51, 71, 78, 80, 90, and 91, and pages 10, 12, and 20 of Supplement No. 48 and pages 5 and 9 of Supplement No. 73, from and to stations bearing corresponding index numbers:

[Rates in cents per ton of 2,000 pounds]

| Index no. | To— | From districts (see page 4 of tariff, as amended) | | Route (see page 120 of tariff as amended) |
|---|---|---|---|---|
| | | Clinton | Linton | |
| | *Chicago, Milwaukee, St. Paul and Pacific R. R.* | | | |
| 263 | Bensenville, Ill. | [3] 170 | [3] 175 | A |
| 264 | Wooddale, Ill.[1] | | | |
| 265 | Itasca, Ill. | | | |
| 266 | Roselle, Ill. | | | |
| 267 | Ontarioville, Ill. | | | |
| 268 | Bartlett, Ill. | | | |
| 269 | Spaulding, Ill. | | | |
| 270 | Hammonds, Ill.[1] | | | |
| 275 | Elgin, Ill. | [3] 170 | [3] 175 | A, B |
| 276 | Almora, Ill.[1] | | | |
| 277 | McQueen, Ill.[1] | | | |
| 278 | Pingree Grove, Ill. | | | |
| 279 | Starks, Ill.[1] | | | |
| 280 | Hampshire, Ill. | | | |
| 281 | New Lebanon, Ill. | | | |
| 282 | Genoa, Ill. | [3] 170 | [3] 175 | A, B |
| 283 | Kingston, Ill. | | | |
| 284 | Kirkland, Ill. | | | |
| 285 | Fairdale, Ill. | | | |
| 286 | Monroe Center, Ill. | | | |
| 287 | Davis Junction, Ill. | | | |
| 288 | Stillman Valley, Ill. | [3] 170 | [3] 175 | A, B |
| 289 | Byron, Ill. | | | |
| 290 | Leaf River, Ill. | | | |
| 291 | Adeline, Ill. | | | |
| 292 | Forreston, Ill. | | | |
| 293 | Harper, Ill. | | | |
| 377 | Rockford, Ill. | [3] 170 | [3] 175 | A, B |
| 383 | Freeport, Ill. | [3] 170 | [3] 175 | A, B |
| 384 | Florence, Ill. | | | |
| 385 | Shannon, Ill. | | | |
| | *Chicago & North Western Ry.* | | | |
| [73] 3411 | Morse Bluff, Neb. | [3] [4] 389 / [5] 370 | [3] [4] 399 / [5] 380 | [14] D |
| [73] 3412 | Linwood, Neb. | | | |
| [73] 3413 | Abie, Neb. | | | |
| [73] 3414 | Bruno, Neb. | | | |
| [73] 3415 | Brainard, Neb.[1] | | | |
| [73] 3416 | Dwight, Neb. | | | |
| [73] 3417 | Bee, Neb. | | | |
| [73] 3418 | Seward, Neb. | | | |
| [73] 3433 | Octavia, Neb. | [3] [4] 411 / [5] 370 | [3] [4] 421 / [5] 380 | [14] D |
| [73] 3434 | David City, Neb. | | | |
| [73] 3478 | Snyder, Neb. | [3] [4] 422 / [5] 370 | [3] [4] 432 / [5] 380 | [14] D |
| [73] 3479 | Dodge, Neb. | | | |
| [73] 3480 | Howells, Neb. | | | |
| [7] [3]481 | Clarkson, Neb. | [4] 425 / [5] 370 | [4] 435 / [5] 380 | [14] D |
| [73] 3482 | Leigh, Neb. | | | |
| [73] 3483 | Creston, Neb. | | | |
| [73] 3484 | Humphrey, Neb. | | | |

| Index No. | To— | From districts (see page 4 of tariff, as amended) | | Route (see page 120 of tariff as amended) |
|---|---|---|---|---|
| | | Clinton | Linton | |
| | *Chicago Great Western R.R* | | | |
| [73] 3916 | Wilkinson, Ill. | 180 | 185 | A |
| [73] 4110 | Evanston, Iowa | [71] | [71] | |
| [73] 4111 | Lehigh, Iowa | | | |
| | *Chicago, Milwaukee, St. Paul and Pacific R. R.* | | | |
| 4280 | Nichols, Ill.[1] | [3] 170 | [3] 175 | A |
| 4281 | Wilkinson, Ill. | | | |
| 4282 | Bradt, Ill.[1] | | | |
| 4283 | De Kalb, Ill. | | | |
| 4284 | Chase, Ill.[1] | | | |
| 4285 | Troxel, Ill. | | | |
| 4286 | Duffin, Ill. | | | |
| | *Fort Dodge, Des Moines & Southern R. R.* | | | |
| [73] 6337 | Evanston, Iowa | [4] 346 / [5] 316 | [4] 356 / [5] 326 | A, B |
| | *Union Pacific R. R.* | | | |
| [73]10926 | Loma, Neb. | [3] [4] 389 / [5] 370 | [3] [4] 399 / [5] 380 | A |
| [73]10927 | Brainard, Neb. | | | |
| [73]10928 | Yanka, Neb.[1] | [3] [4] 411 / [5] 370 | [3] [4] 421 / [5] 380 | A |
| [73]10929 | David City, Neb. | | | |
| [73]10964 | Ames, Neb. | [3] [4] 400 / [5] 370 | [3] [4] 410 / [5] 380 | A |
| [73]10965 | North Bend, Neb. | | | |
| [73]10966 | Bay State, Neb.[1] | | | |
| [73]10967 | Rogers, Neb. | | | |
| [73]10968 | Schuyler, Neb. | | | |
| [73]10969 | Lambert, Neb.[1] | [3] [4] 411 / [5] 370 | [3] [4] 421 / [5] 380 | A |
| [73]10970 | Richland, Neb. | | | |
| [73]10971 | Columbus, Neb. | | | |
| [73]10972 | Sheldon, Neb. | [3] [4] 422 / [5] 370 | [3] [4] 432 / [5] 380 | A |
| [73]10973 | Oconee, Neb. | | | |
| [73]10974 | Platte Center, Neb. | | | |
| [73]10975 | Tarnov, Neb. | [4] 425 / [5] 370 | [4] 435 / [5] 380 | A |
| [73]10976 | Humphrey, Neb. | | | |
| [73]10977 | Peck, Neb.[1] | | | |
| [73]11978 | Madison, Neb. | | | |
| [73]10979 | Enola, Neb. | | | |
| [73]10980 | Warnerville, Neb.[1] | | | |
| [73]10981 | Norfolk, Neb. | | | |

[1] No agent. Freight charges must be prepaid.
[2] Reduction.
[3] Issued in conjunction with decision and order of the Interstate Commerce Commission in Dockets 18025 and 17330-Sub. 1, of February 11, 1930, as amended. Will not apply from or to intermediate points (see note A on title page of tariff, as amended).
[4] Rates apply on coal, other than Fine Coal.
[5] Rates apply on fine coal. (For application, see item 10 of tariff, as amended.)
[14] Route via Chicago, Ill., cancelled.
[71] Cancel. Stations abandoned.
[73] Reissued from Supplement No. 75, effective Dec. 9, 1932.

104 Interstate Commerce Commission

Washington

I, George B. McGinty, Secretary of the Interstate Commerce Commission, do hereby certify that the attached are true copies of the following:

Protest of Illinois Coal Traffic Bureau, filed December 13, 1932,

Protest of the Consolidated Coal Company of St. Louis, filed December 14, 1932,

Protest of Springfield Illinois Coal Traffic Bureau, filed December 15, 1932,

Order of the Commission entered December 22, 1932,

Transcript of the stenographer's notes of the hearing held February 20 and 21, 1933, at Chicago, Illinois, before Examiner Trezise and of exhibits filed at said hearing,

Report and order of the Commission filed and entered November 8, 1933,

Order of the Commission entered November 8, 1933,

Petition for rehearing, reargument, and reconsideration before the entire Commission and for an extension of the effective date of the order, filed January 3, 1934,

Order of the Commission entered January 5, 1934, and

Order of the Commission entered February 5, 1934,

in Investigation and Suspension Docket No. 3843, Coal from Indiana to Illinois, the originals of which are now on file and of record in the office of this Commission.

I further certify that the documents and papers above referred to constitute a true copy of the record (except briefs, report proposed by examiner, exceptions, transcript of oral argument, replies to petition for rehearing, and correspondence) in Investigation and Suspension Docket No. 3843, Coal from Indiana to Illinois, as the same is now on file and of record in the office of this Commission.

In witness whereof I have hereunto set my hand and affixed the seal of said Commission this 14th day of February, A. D. 1934.

[SEAL] GEORGE B. MCGINTY,
*Secretary of the Interstate Commerce Commission.*

105 Before Interstate Commerce Commission

*Application for suspension of supplement no. 76 to Chicago, Milwaukee, St. Paul and Pacific Railroad GFD no. 15200–B, I. C. C. no. B–5133, filed to become effective December 23, 1932*

December 13, 1932

Comes now the Illinois Coal Traffic Bureau, a voluntary association of coal producers having mines in the State of Illinois with a

production in excess of fifteen million tons annually, and presents this, its protest and application for a suspension of rates contained in the above-named tariff, and as grounds for its protest and request for suspension, respectfully submits:

That the above-named tariff provides for reduced rates on bituminous coal, carloads, from mines on the Chicago, Milwaukee, St. Paul and Pacific Railroad in what are generally known as the "Brazil-Clinton and Linton-Sullivan groups" in Indiana to certain destinations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in northern Illinois, including such points as Rockford and Freeport, said reductions being as follows:

| To— | From Brazil-Clinton District | | | From Linton-Sullivan District | | |
|---|---|---|---|---|---|---|
| | Present | Proposed | Decrease | Present | Proposed | Decrease |
| Rockford<br>Freeport | 187 | 170 | 17 | 192 | 175 | 17 |

That the rates and distances from southern Illinois contrasted with the distances and protested rates from Indiana to these two points are as follows:

| To— | So. Illinois | | C., M., St. P. & P. Brazil-Clinton | | Under So. Ill. | | C., M., St. P. & P. Linton-Sullivan | | Under So. Ill. | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Miles | Rate | Miles | Rate | Miles | Rate | Miles | Rate | Miles | Rate |
| Rockford | 328.2 | 200 | 235.0 | 170 | 93.2 | 30 | 274.4 | 175 | 53.8 | 25 |
| Freeport | 342.4 | 200 | 277.4 | 170 | 65.0 | 30 | 316.8 | 175 | 25.4 | 25 |

From the above statement it will be noted that the proposed note from the Linton-Sullivan district to Rockford exceeds the Brazil-Clinton rate to the same point by 5¢ a ton for the additional
106 haul of 39.4 miles, but the southern Illinois rate will exceed the Linton-Sullivan rate by 25¢ a ton for an additional haul of 53.8 miles. If the five-cent differential is proper as between Clinton-Brazil on the one hand and Linton-Sullivan on the other, the southern Illinois rate should exceed the Linton-Sullivan rate by only 7¢ a ton rather than 25¢ a ton as proposed, or conversely, the Linton-Sullivan rate should be 7¢ a ton under southern Illinois.

To Freeport, the differential—Linton-Sullivan over Brazil-Clinton—is 5¢ a ton for an additional haul of 39.4 miles, but Southern Illinois will be 25¢ a ton over Linton-Sullivan for an additional haul of only 25.4 miles. If 5¢ a ton is a proper differential—Linton-Sullivan over Brazil-Clinton—then southern Illinois should only be 3¢ higher than Linton, or conversely, Linton should be but 3¢ lower than southern Illinois rather than 25¢ lower.

While the proposed reduction of 17¢ a ton has only been published from mines on the Chicago, Milwaukee, St. Paul and Pacific Railroad in the Brazil-Clinton and Linton-Sullivan districts, it is obvious that if the rates are permitted to become effective, similar reductions will be made for competitive reasons from mines on other roads in the Brazil-Clinton and Linton-Sullivan districts involving substantially longer hauls and reductions will undoubtedly be proposed from mines in the Princeton and Boonville groups, which lie immediately to the south of the Linton-Sullivan district, and which today take rates differentially over the Linton-Sullivan rates. This in turn will bring about still further preference to the producers of coal in the State of Indiana, and will be most prejudicial to the producers of coal in Illinois, members of your petitioner's association.

The rates on coal from Illinois mines to Rockford and Freeport were before the Interstate Commerce Commission in the Illinois Thirteenth Section case, Intrastate Rates on Bituminous Coal Between Points in Illinois, 182, ICC 537. Beginning at the bot-
107 tom of page 549 of the report, reference is made to the low level of rates prevailing from Indiana mines to Rockford and Freeport and primarily because of this low level of rates from Indiana, the Commission refused to require any increases in the rates from Illinois mines. The finding of the Commission, taken from page 550 of the report, reads as follows:

"The Illinois producers urge with much force that their rates to Rockford, Freeport, and Dixon should not be increased so long as such low rates from the Indiana groups to the same destinations are permitted to continue. The principal competition of the Illinois producers at these destinations comes from Indiana, and we find no sufficient justification for requiring any of the Illinois rates to these points to be increased until the low rates from Indiana referred to have been placed upon a level more nearly commensurate with the general level of rates in this territory."

In spite of this finding of the Commission, the Chicago, Milwaukee, St. Paul and Pacific Railroad now publish this reduction of 17¢ a ton from their Indiana mines, which is bound to be followed by other reductions from other Indiana mines. If these reductions are permitted to take effect, it will work an extreme hardship on the Illinois producers of coal, members of your petitioner's association, and will make it exceedingly difficult for them to sell coal in the Rockford and Freeport market.

Wherefore, your petitioner enters this, its protest, to the aforesaid reductions in rates on coal from Indiana mines to points on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Illinois, including the rates to Rockford and Freeport, Illinois, and respectfully requests the Commission to suspend the operation of Supplement No. 76 to Chicago, Milwaukee, St. Paul and Pacific Railroad

ICC No. B–5133, pending an investigation as to the propriety thereof.

A copy of this protest and application for suspension is being mailed today to Mr. M. F. Edbrooke, Assistant General Freight Agent for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, the issuing agent.

Respectfully submitted.

ILLINOIS COAL TRAFFIC BUREAU,
W. Y. Wildman,
By W. Y. WILDMAN, *Traffic Manager.*

307 NORTH MICHIGAN AVENUE,
*Chicago, Illinois.*

DECEMBER 12, 1932.

108 Before Interstate Commerce Commission

*Protest*

December 14, 1932

ST. LOUIS, MISSOURI, *December 12, 1932.*

Mr. GEORGE B. MCGINTY,
*Sec'y, Interstate Commerce Commission,*
*Washington, D. C.*

DEAR SIR: Confirming telegram today.

This is to respectfully request the suspension of supplement 76 to Chicago, Milwaukee, St. Paul and Pacific, G. F. D. 15200–B, I. C. C. B–5133 (hereinafter called the "protested schedule"), published to become effective December 23, 1932, insofar as it reduces rates on coal from Clinton and Linton districts to various points in Illinois on the Chicago, Milwaukee, St. Paul and Pacific Railway.

Your petitioner, the Consolidated Coal Company of St. Louis, is engaged in the mining and selling of coal, with mines in what are known as the southern Illinois group and Springfield group in the State of Illinois; and in marketing its product comes in keen competition with coal mines in what are known as the Brazil-Clinton and Linton-Sullivan groups in the State of Indiana. The protested schedule has the effect of reducing rates on coal from the latter two groups to various destinations in the State of Illinois without a corresponding reduction being made by the carriers serving our mines.

In Interstate rates on bituminous coal between points in Illinois, 182 I. C. C. 537 (hereinafter called "Docket 23130"), rates on coal from all Illinois groups, as well as from the above-mentioned Indiana groups to Rockford, Freeport, etc., were considered, and a very exhaustive record made. We believe no better justification for a suspension of the protected schedule could be brought to your atten-

tion than the facts as stated by your Commission in that report at page 549, as follows:

"While it is evident that a number of the assailed rates from Illinois groups to Rockford, Freeport, and Dixon are well below the reasonable level of rates in this territory, that appears to be true also of most of the rates from the Indiana groups to the same destinations. For example, the rate from the Brazil-Clinton group to Dixon is only 66.5 per cent of the Holmes & Hallowell scale, which is the same percentage of that scale as is reflected by the assailed rate from southern Illinois to Dixon; and the rate from Brazil-Clinton to Freeport is only 67 per cent of the scale, as compared with 64 per cent from southern Illinois to Freeport and 66 per cent from southern Illinois to Rockford. Rates from the more distant Indiana groups to these three destinations range as low as 56 per cent of the scale. The Illinois producers urge with much force that their rates to Rockford, Freeport, and Dixon should not be increased so long as such low rates from the Indiana groups to the same destinations are permitted to continue. The principal competition of the Illinois producers at these destinations comes from Indiana, and we find no sufficient justification for requiring any of the Illinois rates to these points to be increased until the low rates from Indiana referred to have been placed upon a level more nearly commensurate with the general level of rates in this territory."

109 And in the findings, at page 564, as follows:

"4. The assailed rates to Rockford, Freeport, and Dixon should not be found to be unlawful under section 13 of the act until and unless the interstate rates from Indiana groups to the same destinations are increased to a level more nearly commensurate with the general level of the rates on coal in this territory."

In appendix B of the report in Docket 23130 is shown distances of 197 to 237 miles from the Springfield group to Rockford at rate of 170 cents; from the Brazil-Clinton group to the same point, distances from 244 to 271 miles are shown at rate of 187 cents—the protested schedule makes this rate 170 cents, the same as now prevailing from the Springfield group. However, we have averaged the tariff route distances from all mines in the Springfield group and found it to be 237.9 miles to Rockford and from the Brazil-Clinton group to be 270.9 miles. We have done the same to Freeport, which disclosed that from the Springfield group the average distance is 264.8 miles and from the Brazil-Clinton group 304 miles. Distance considered, there could be no justification for the same rate from the Brazil-Clinton group to either Rockford or Freeport as now in effect from the Springfield group—although that is what the protested schedule will do if permitted to become effective.

If the protested schedule is allowed to become effective, the only conclusion that can be reached is that such rates will be lower by 17 cents per ton than the existing level of rates, which is not now

commensurate with the general level. It is our request, therefore, that same be suspended, as conditions have not changed since the decision in Docket 23130.

Respectfully submitted.

THE CONSOLIDATED COAL COMPANY OF ST. LOUIS.
W. E. Rosenbaum,
WM. E. ROSENBAUM,
*933 Cotton Belt Building,*
*St. Louis, Missouri,*
*For Protestant.*

Dated at St. Louis, Missouri, December 12, 1932.

Cc—Mr. J. T. AVERITT,
*Coal Traffic Manager,*
*C., M., St. P. & P. Ry.,*
*Chicago, Illinois.*

110 [Caption omitted.]

111 Before the Interstate Commerce Commission

*Application of the Springfield, Illinois, Coal Traffic Bureau for suspension of rates published on bituminous coal, carloads, from the Clinton and Linton, Indiana, groups to Rockford and Freeport, Illinois, indices nos. 377 and 383, respectively, supplement no. 76, to Chicago, Milwaukee, St. Paul and Pacific Railway Company, I. C. C. No. B-5133, filed to become effective December 23, 1932*

(Dec. 15, 1932)

The Springfield Illinois Coal Traffic Bureau respectfully represents that it is a voluntary organization of coal mining companies operating twenty-one mines in and adjacent to Springfield, Illinois, as follows:

| | |
|---|---|
| Peabody Coal Company | 5 mines at Springfield. |
| Peabody Coal Company | 1 mine at Kincaid. |
| Peabody Coal Company | 1 mine at Humphrey. |
| Peabody Coal Company | 1 mine at Callaway. |
| Peabody Coal Company | 1 mine at Taylorville. |
| Peabody Coal Company | 1 mine at Riverton. |
| Peabody Coal Company | 1 mine at Auburn. |
| Brewerton Coal Corporation | 1 mine at Lincoln. |
| Brewerton Coal Corporation | 1 mine at Springfield. |
| Central Ill. Coal Mining Co | 1 mine at Springfield. |
| Mine B Coal Company | 1 mine at Springfield. |
| Panther Creek Mines, Inc | 4 mines at Springfield. |
| Panther Creek Mines, Inc | 1 mine at Panther Creek. |
| Sangamon Coal Company | 1 mine at Springfield. |
| Total | 21 mines. |

That Rockford and Freeport, Illinois, and other points similarly situated in Northern Illinois, is the natural market for coal produced at the mines of these protestants, and that they are
112 vitally interested in the level and measure of the rates from their said mines as compared with the rates from mines in

Indiana and other points in Illinois. Your protestants respectfully represents that the present level and relationship of rates as they now exist between your protestant's mines on the one hand and mines in Indiana on the other hand, will not permit the free movement of coal from your protestant's mines in competition with coal mined in Indiana and that the present rates from the mines of your protestants are unjust, unreasonable, and excessive, while the proposed rates from the Indiana mines complained of herein are unjustly discriminatory and unduly preferential to mines in Indiana.

Attention is directed to the fact that there is now pending before the Illinois Commerce Commission the case of Springfield Illinois Coal Traffic Bureau vs. A. & E. R. R., et al., Illinois Commerce Commission Docket No. 21510, which proceeding seeks the establishment of just, reasonable, and lawful rates from the mines of these protestants to Rockford and Freeport, Illinois, and other points in northern Illinois, in order that their said coal can freely compete with coal produced at Indiana mines. To permit the going into effect of said proposed rates from Indiana mines will further increase and accentuate the unlawful relationship that now exists between the mines of your protestants on the one hand and the Indiana mines on the other hand. These protestants direct attention to the fact that the relationship and level of rates between points in Illinois and Indiana were before the Interstate Commerce Commission in docket no. 23130 and that by said decision the said Commission recognized the unreasonableness, unlawfulness, and improper relationship in the rates from Indiana mines as compared with the rates from Illinois mines to the destination territory involved.

113 In order to demonstrate the unlawfulness of the rates proposed, we direct attention to the level of said proposed rates as compared with the level of rates from the mines of your protestants:

| | Mileage[1] | Present rate | | Proposed rate | |
|---|---|---|---|---|---|
| | | Rate | Percent of H. & H. scale | Rate | Percent of H. & H. scale |
| To Rockford, Ill., from— | | | | | |
| Springfield group | 198.1 | 170 | 77.6 | | |
| Brazil-Clinton group | 235.0 | 187 | 75.4 | 170 | 68.5 |
| Linton-Sullivan group | 274.4 | 192 | 70.3 | 175 | 64.1 |
| To Freeport, Ill., from— | | | | | |
| Springfield group | 207.3 | 170 | 75.2 | | |
| Brazil-Clinton group | 277.4 | 187 | 68.5 | 170 | 62.3 |
| Linton-Sullivan group | 316.8 | 192 | 64.4 | 175 | 58.7 |

[1] Average mileage via the shortest tariff route.

Routes:

From Springfield group to Rockford via I. C. R. R. Mendota C., M., St. P. & P.

From Springfield group to Freeport via I. C. R. R. direct.

From Indiana mines to both points via C. M., St. P. & P. Ry. direct.

Using the Holmes & Hallowell scale as a convenient yardstick for the measurement of the level of Illinois rates with the proposed rates from mines in Indiana, we call attention to the fact that the proposed rate from the Linton-Sullivan group in Indiana to Freeport, Ill., is 58.7 percent of the Holmes & Hallowell scale, while the rate from the Springfield group to Freeport is 75.2 percent of the Holmes & Hallowell scale.

114 In the event said tariffs are suspended, and hearing granted, at said hearing, these protestants will be prepared to show that there is a demand for coal mined at Springfield, and that under the present rate adjustment there is very little, if any, movement of coal from the mines of your protestants to Rockford and Freeport; that said coal, under the present rate adjustment, cannot be sold in competition with coal produced in other competing fields in Indiana and Illinois, and demonstrates conclusively the necessity for a revision of the present freight rate adjustment on the movement of coal from Indiana and Illinois to said destinations.

We, therefore, request the suspension of the said proposed rates and that, after hearing, just, reasonable, and nondiscriminating rates be established from said Indiana mines which will bear a proper relationship to the rates from the mines of your protestants to said destinations, which will permit the free movement of coal from their mines.

Respectfully submitted.

SPRINGFIELD, ILLINOIS, COAL TRAFFIC BUREAU,
C. B. CARDY,
*Attorney, 332 South Michigan Avenue.*
L. F. MALUM,
*Traffic Manager, 343 South Dearborn Street, Chicago, Ill.*

CHICAGO, ILL., *December 13, 1932.*

115 Before the Interstate Commerce Commission, Division 2

Investigation and Suspension Docket No. 3843

Coal from Indiana to Illinois

*Order instituting investigation*

December 22, 1932

It appearing that there have been filed with the Interstate Commerce Commission by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company tariffs containing schedules stating new individual and joint rates and charges, and new individual and joint regulations and practices affecting such rates and charges, to become effective on the 23rd day of December 1932, designated as follows:

Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Supplements Nos. 76 and 77 to I. C. C. No. B–5133

It is ordered that the Commission, upon complaint, without formal pleading, enter upon a hearing concerning the lawfulness of rates, charges, regulations, and practices stated in the said schedules contained in said tariffs, viz: On pages 3 thereof, all provisions shown in connection with index nos. 263 to 385, inclusive, and 4280 to 4286, inclusive;

It further appearing that said schedules make certain reductions in rates for the interstate transportation of bituminous coal, carloads, and the rights and interests of the public appearing to be injuriously affected thereby, and it being the opinion of the Commission that the effective date of the said schedules contained in said tariffs should be postponed pending said hearing and decision thereon;

It is further ordered that the operation of the said schedules contained in said tariffs be suspended, and that the use of the rates, charges, regulations, and practices therein stated be deferred upon interstate traffic until the 23rd day of July 1933 unless otherwise ordered by the Commission, and no change shall be made in such rates, charges, regulations, and practices during the said period of suspension unless authorized by special permission of the Commission;

It is further ordered that the rates and charges and the regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension and any extension thereof has expired, unless authorized by special permission of the Commission;

And it is further ordered that a copy of this order be filed with said schedules in the office of the Interstate Commerce Commission, and that copies hereof be forthwith served upon the carriers parties to said schedules and that said carriers parties to said schedules be, and they are hereby, made respondents to this proceeding, and that they be duly notified of the time and place of the hearing above ordered.

By the Commission, Division 2:

[SEAL] GEORGE B. MCGINTY,
*Secretary.*

116 In United States District Court

[File endorsement omitted.]

*Narrative statement of evidence before I. C. C.*

Filed August 6, 1934

I. & S. Docket 3843, Chicago, Ill., February 20, 21, 1933

Before Examiner Trezise of Interstate Commerce Commission; G. H. Shafer, Illinois Commerce Commission

*Appearances*

J. T. Averitt, C. L. Taylor, for Chicago, Milwaukee, St. Paul & Pacific Railway Company.

Jonas Waffle, E. B. Wilkinson, and M. F. Gallagher, for Coal Trade Association of Indiana.

J. A. Behrle, for Alton Railroad.

Guy A. Gladson, for all railroad protestants.

W. Y. Wildman, for Illinois Coal Traffic Bureau.

C. B. Cardy, L. F. Malum, for Springfield, Illinois, Coal Traffic Bureau.

W. E. Rosenbaum, for Consolidated Coal Company, of St. Louis, protestant.

R. P. DeCamp, J. T. Quisenberry, for Illinois Central Railroad Company and railroad protestants, generally.

J. E. Flansburg, for Chicago & North Western Railway Company.

Leo. P. Day, for New York Central Lines.

C. S. Bather, for Rockford Manufacturers & Shippers Association and Freeport Chamber of Commerce.

John A. Connors, for Chicago & Eastern Illinois Railway Company.

R. B. Battey, for Chicago, Burlington & Quincy Railroad Company.

*Statement by Examiner Trezise*

The Interstate Commerce Commission has set for hearing at this time and place I. & S. Docket 3843. By schedules filed to become effective December 23, 1932, respondent proposed to reduce the rates on bituminous coal from the Brazil-Clinton and Linton-Sullivan groups in Indiana, to Rockford, Freeport, and certain other distinations in northern Illinois. Upon protest of various parties,
117 including various railroads, these schedules were suspended until July 23, 1933 (tes. 4–5).

J. T. AVERITT, Chicago, coal traffic manager, Chicago, Milwaukee, St. Paul & Pacific Railroad Company, testified:

I have held my present position 25 years; I have charge not only of rates and divisions on coal but the solicitation also; I have all to do with coal on the Milwaukee Railroad. I have had experience with the construction and publication of rates during all that time. I am familiar with the issues in this proceeding.

I have been connected with railroads serving Indiana, and intimately acquainted with the Indiana-Illinois coal-rate adjustment, for over 25 years. Let me say at the outset I shall not contend that the rates which are in effect from the two districts in Indiana served by our company are more than reasonable rates. As a matter of fact, they are less than reasonable maximum rates as are all the rates from Illinois, Indiana, and western Kentucky measured by any test evolved by the Commission in recent years. I do contend, however, for an equality of opportunity in these markets for the mines served by the Chicago, Milwaukee, St. Paul & Pacific Railroad which, all conditions considered, they are entitled to have.

Accordingly, rates were reduced from mines served by respondent from its Clinton and Linton, Indiana, groups in the same amount as they were required to be reduced from Illinois under orders of the Illinois Commerce Commission. The rates, to accomplish this, were suspended on application of the Consolidated Coal Company of St. Louis; Illinois Coal Traffic Bureau; Springfield, Illinois, Coal Traffic Bureau, and a number of Illinois carriers, including the Alton Railroad, Chicago, Burlington and Quincy Railroad, Chicago &
118 Illinois Midland Railway, Illinois Central Railroad, Missouri Pacific Railway, and Wabash Railway. Rates were to become effective December 23, 1932, and attention is called to the fact that the protest and application for suspension of these rates filed by the carriers enumerated above was dated at Chicago, December 14th, 9 days before effective date, while the rules of practice require application to be on file 10 days before effective date.

Therefore, these carrier protestants under the Commission's rules have no standing. It was in fact an organized 11th hour attempt to prevent, through suspension proceedings, this respondent from making rates that would allow producers served by it in Indiana to participate in the markets available to them on respondent's line against producers of coal in Illinois on rates initiated by the Illinois Commerce Commission.

An order reducing rates from all Illinois groups in the amount of 17 cents per ton was issued by the Illinois Commerce Commission in dockets nos. 13569 and 13568, effective on intrastate traffic August 20, 1930.

We are not selfish about this proposition. We have recognized the long-standing relationship between origin groups in Illinois and Indiana to destinations in the Northwest, to the extent even of increasing rates from Indiana groups when such increases were not

required under order of the Illinois Commerce Commission. I refer particularly to the Lake Dock Coal cases, 89 I. C. C. 170, wherein the Commission ordered increases in rates from southern Illinois group to destinations in Wisconsin and Minnesota and we advanced rates to that territory in the exact amount that the rates were required to be advanced from Illinois in order to maintain group origin relationship, although no finding or order of the Commission required such action on the part of this respondent or any of the Indiana lines.

119 This respondent, with other interested lines whose rates operated via interstate routes, withheld making reductions in interstate rates at the time intrastate rates were reduced by the Illinois Commerce Commission pending determination by the Interstate Commerce Commission of question of discrimination created thereby as alleged in 13th section petition filed by the Illinois, Indiana, and western Kentucky carriers in docket no. 23130, 182 I. C. C. 537.

In final conclusion of that case, the Commission found that the assailed rates to Rockford, Freeport, and Dixon, Illinois, should not be found to be unreasonable under section 13 of the act until and unless rates from Indiana groups to the same destinations were increased to a level more nearly commensurate with the general level of rates on coal in this territory.

While the Commission did not specify what Indiana groups in their opinion should be increased to "a level more nearly commensurate with the general level of rates on coal in this territory", they had no facts before them with reference to the rates from Clinton and Linton, Indiana, groups to Rockford and Freeport, Illinois, on which to base that opinion because it is not a fact and will be so shown.

Considerable evidence was presented on behalf of the Illinois Coal Traffic Bureau, Witness Wildman, to the effect that rates from Illinois reduced by the Illinois Commerce Commission were not a burden on interstate traffic from Indiana and testimony offered as to the rates and distances to Rockford and Freeport, Illinois, from Boonville and Princeton, Indiana, districts served by the Chicago & Eastern Illinois Railway, Southern Railway, and Cleveland, Cincinnati, Chicago & St. Louis Railway, but there was no evidence introduced to show that rates from Clinton and Linton, Indiana, groups served by respondent were unduly low as compared with any Illinois rates.

120 Following the Commission's decision in docket no. 23130, and in response to finding 4 thereof, the carriers concerned in the rates to Rockford and Freeport, Illinois, met with the purpose of reviewing the situation and harmonizing rates to Rockford and Freeport, Illinois, in line with what appeared to be an invitation from the Commission to advance certain rates in Indiana as a condition upon which rates from Illinois might be restored, although what rates from Indiana the Commission had in mind was not revealed.

However, all efforts to accomplish results were vetoed by one of the principal southern Illinois lines serving Rockford and Freeport, Illinois, which also joins in the alleged low rates from the Princeton and Boonville, Indiana, groups. The rate via two other Rockford-Freeport lines joining in rates from the principal producing mines located on the A. W. & W. Railway in the Princeton, Indiana, group was $2.19 per ton, compared with $1.99 per ton via line opposing adjustment, while the other Rockford-Freeport line does not join in any rates from these mines.

I have prepared a number of exhibits dealing with this situation which I will now submit.

Dealing particularly with the protest of the Consolidated Coal Company, whose mines are located in the Springfield district at or in the vicinity of Mt. Olive, Illinois, and served by the Wabash Railway, I have shown in exhibit no. 1, the tariff routes and mileages from Mt. Olive, Illinois, via the Wabash Railway to Rockford, Illinois. The present rate from Mt. Olive is $1.70 per ton and applies in connection with the Wabash Railway via routes ranging from 280 miles via Decatur, Illinois, and Illinois Central Railroad to 341 miles via Newell, Illinois, and Chicago, Milwaukee, St. Paul & Pacific Railroad. The average mileage via all of the tariff routes is 315 miles for which distance rate of $1.70 per ton represents 58 121 percent of the Holmes & Hallowell scale. The scale recently prescribed by the Commission in docket no. 23922, if applied to this average distance, would result in a rate of $2.23 per ton.

Contrasted to this, from mines on the Chicago, Milwaukee, St. Paul & Pacific Railroad in the Clinton, Indiana, group, the distance over the longer route is 245 miles. We have two routes there, one via Delmar and Kirkland and the other through Bensenville, Illinois, the longer route being 245 miles. The suspended rate of $1.70 per ton for this distance is 67 percent of the Holmes & Hallowell scale, while the present rate of $1.87 per ton is 74 percent of that scale.

On the 23922 scale, rate would be $1.99 per ton, or 24 cents per ton less than for the average mileage from Mt. Olive, Illinois.

From the Linton, Indiana, group mines served by the Chicago, Milwaukee, St. Paul & Pacific Railroad via the longer route, the distance is 289 miles. Suspended rate of $1.75 per ton is equivalent to 63 percent of the Holmes & Hallowell scale, while the present rate of $1.92 per ton is 69 percent of that scale. On the 23922 scale the rate for distance of 289 miles would be $2.15 per ton, or 8 cents per ton less than the average of the routes from Mt. Olive, Illinois, via Wabash Railway.

Notwithstanding this, there seems to be no objection on the part of the short lines from the Springfield district to the Wabash Railway, making the same rate of $1.70 per ton that applies from the nearest mine in the Springfield group, and even though they did, it would not avail them anything because by order of the Illinois

Commerce Commission these rates were reduced from $1.87 per ton to $1.70 per ton, or 17 cents per ton, which is the exact amount that I propose to reduce the rate from the Clinton group in Indiana.

Exhibit no. 2, consisting of three pages, deals with the history of rates to Rockford and Freeport, Illinois. Attention is
122 called to the fact that from as early as January 1, 1910, to August 20, 1930, on which date intrastate rates from Illinois mining groups were reduced by order of the Illinois Commerce Commission, the rates from the Clinton, Indiana, group were either lower or exactly the same as Springfield, Illinois, and Linton, Indiana, group was 5 cents or less per ton in excess of the Springfield, Illinois, group rate, except the period following Ex parte 74 percentage advances when all differentials were disturbed. Up to June 10, 1911, the differential between Linton and Clinton, Indiana, was 10 cents per ton. Effective June 10, 1911, rates from Clinton, Indiana, were put on a parity with the rates from Springfield, Illinois, group; that is, they were advanced in accordance with the understanding among the interested lines that the Springfield rate would be the minimum rate from Clinton, Indiana, to Joliet, Aurora, and Rockford, Illinois.

Page 2 of this exhibit deals with the situation at Freeport, Illinois, and the rate parity, Clinton versus Springfield, is not of as long duration but was effected by joint consideration of all lines at interest, and it is in these relationships that the suspended rates were intended to restore.

In the evolution of rates on coal in this territory, consideration has been given to the factor of distance, but it was not the only factor; but in these later days while no one professes to want a distance tariff, it is the usual procedure, either in defense or in prosecuting complaints, that the first and only consideration is that of distance. The Commission said on page 542, 182 I. C. C. 537:

"It is conceded by all that to determine distances over shortest possible route over which carload traffic might be interchanged, is an almost insuperable task because of the many origins shown in the carriers' tariff and multiplicity of routes."

123 Exhibit no. 3, consisting of three pages, shows the distances involved in the transportation of bituminous coal from the Brazil-Clinton and Linton-Sullivan groups versus Springfield, Illinois, and southern Illinois groups, to Rockford and Freeport, Illinois, and the average to both destinations, first, via the short route and, second, average distance from all mines in the group. These distances were taken from exhibit no. 370 submitted by Witness Waffle and exhibit no. 335 submitted by Witness Wildman in docket no. 23130. It will be observed that the distances computed by both witnesses are different and illustrates the difficulty encountered in finding exact mileage as expressed by the Commission quoted above.

Using the figures in this exhibit, there is shown on page 3 a composite statement of distances to Rockford and Freeport, Illinois,

from Clinton, Indiana; Springfield, Illinois; Linton, Indiana; and southern Illinois groups. Exhibit no. 4 is a comparison of distances from Chicago, Milwaukee, St. Paul & Pacific Railroad mines, from which rates under investigation are published, in the Clinton and Linton, Indiana, groups to Rockford and Freeport, Illinois, via short single line route of respondent compared with distances over routes in which the Chicago, Milwaukee, St. Paul & Pacific Railroad is required to join under orders of the Illinois Commerce Commission from Springfield, Illinois, and southern Illinois groups.

From the Clinton, Indiana, group, the present rate is $1.87 per ton; proposed, $1.70 per ton. The distance of the Chicago, Milwaukee, St. Paul & Pacific Railroad over its single line from these mines to Rockford, Illinois, is 231 miles. The present rate from the Linton, Indiana, group is $1.92 per ton; proposed $1.75 per ton, distance 275 miles. The exhibit shows that the respondent joins its connections via routes indicated thereon in rates from central Illinois
124 (otherwise known as Springfield, Illinois) of $1.70 per ton, average distances ranging from 199 miles in the case of the Illinois Central Railroad via Mendota, Illinois, to 373 miles in connection with route of Cleveland, Cincinnati, Chicago & St. Louis Railway, via Danville, Illinois, New York Central Railroad, Chicago and Chicago, Milwaukee, St. Paul & Pacific Railroad with average distance of 269 miles; and from mines in southern Illinois via routes indicated ranging from 327 miles via Illinois Central Railroad, Mendota, Illinois; and Chicago, Milwaukee, St. Paul & Pacific Railroad, to 411 miles via Missouri Pacific Railroad, Benton, Illinois; Chicago & Eastern Illinois Railway, Chicago, Illinois; and Chicago, Milwaukee, St. Paul & Pacific Railroad, with average from all origins of 369 miles. Those are to Rockford. (Test. 5–17.)

To Freeport, Illinois, the route of the Chicago, Milwaukee, St. Paul & Pacific Railroad from Clinton, Indiana, is 271 miles, and from Linton, Indiana, 315 miles, compared with joint rates operated in connection with the Chicago, Milwaukee, St. Paul & Pacific Railroad from central Illinois (Springfield, Illinois) ranging from 242 miles from Illinois Central Railroad mines via Mendota, Illinois, and Chicago, Milwaukee, St. Paul & Pacific Railroad, to 413 miles from mines on the Cleveland, Cincinnati, Chicago & St. Louis Railway, via Danville, Illinois, New York Central Railroad, Chicago, Illinois, and Chicago, Milwaukee, St. Paul & Pacific Railroad, average distance from all mines of 309 miles.

From southern Illinois, the distances range from 370 miles from mines on the Illinois Central Railroad via Mendota, Illinois, and Chicago, Milwaukee, St. Paul & Pacific Railroad, to 511 miles from Missouri Pacific Railroad mines via East St. Louis, Illinois; Alton Railroad, Joliet, Illinois; Elgin, Joliet & Eastern Railway, Spaulding, Illinois; and Chicago, Milwaukee, St. Paul & Pacific Railroad.

125 At the bottom of the page is shown a composite of distances from the four groups to Rockford and Freeport, Illinois.

"Q. (By Mr. ROSENBAUM:) Mr. Averitt, before leaving your exhibit no. 4, in connection with the Freeport comparison, have you not made an error there in showing the mileage to Freeport in connection with the Illinois Central as being via Mendota, and the Chicago, Milwaukee, St. Paul & Pacific Railroad?

"A. No, that is right; that applies via the Illinois Central direct.

"Q. Direct?

"A. Yes, sir.

"Q. In other words, the Chicago, Milwaukee, St. Paul & Pacific—that routing then should be changed to read, Illinois Central direct, instead of 'Mendota, Chicago, Milwaukee, St. Paul & Pacific'——

"A. Just a moment. What from?

"Q. From Illinois Central mines in Central Illinois, to Freeport.

"Mr. QUISENBERRY. The mileage is 242 miles.

"The WITNESS. 370 miles.

"Mr. ROSENBAUM. No; you have got 242 miles shown to Freeport via the Illinois Central, Mendota, and Chicago, Milwaukee, St. Paul & Pacific. That might be all right to Rockford, but I am just wondering if you did not make an error there, to Freeport.

"The WITNESS. From central Illinois via the Illinois Central, via Mendota, and the Chicago, Milwaukee, St. Paul & Pacific, is 242 miles. That is a rate in which we are required to join.

"Mr. ROSENBAUM. You do not represent——

"The WITNESS. It is the short line——

"Mr. ROSENBAUM. That, then, as being the mileage direct via the Illinois Central.

"The WITNESS. No.

126 "Mr. ROSENBAUM. Which is the short mileage?

"The WITNESS. The Illinois Central is longer.

"Mr. ROSENBAUM. To Freeport?

"The WITNESS. Oh, no.

"Mr. ROSENBAUM. We are talking about Freeport.

"The WITNESS. Well, this rate—or this distance of 242 miles, is the distance in which the Milwaukee Railroad is required to join the Illinois Central, by order of the Illinois Commerce Commission."

Exhibit 5 is a map showing locations of the Illinois, Indiana, and western Kentucky coal mining groups. There is also shown line of the Chicago, Milwaukee, St. Paul & Pacific Railroad from the Clinton and Linton, Indiana, groups designated as J and K, respectively, to Rockford and Freeport, Illinois. The portion of the lines of the northern section of the State shown in red indicate the territory to which rate of $1.70 per ton from the Clinton, Indiana, group and $1.75 per ton from the Linton, Indiana, group, were published to become effective December 23, 1932, which rates are now under suspension in this proceeding. The rates to Rockford and Freeport,

Illinois, were held as maximum at intermediate points back to Bensenville, Illinois, the first station west of Franklin Park in the Chicago switching district and to Duffin, Illinois, the first station north of Aurora, Illinois.

The Springfield, Illinois, mining group (central Illinois) is designated as group D, extending from Bloomington, Illinois, on the north to Edwardsville and Glen Carbon, Illinois, near East St. Louis, Illinois, on the south. We understand, however, there is no mine at Bloomington, Illinois, and the most northern mine in the Springfield, Illinois, group now in operation is at Lincoln, Illinois, which is of small capacity, but it has its effect in diluting the mileage from
127 the Springfield group. The bulk of the coal produced in the Springfield district is at or south of Springfield, Illinois, a large part of which is south of Springfield. Southern Illinois group, designated as group H, is the largest producing group in the State of Illinois, located in Franklin, Williamson, and Saline, Counties, Illinois.

There is one line in Indiana, namely, the Chicago, Milwaukee, St. Paul & Pacific Railroad, serving mines in that State and that reaches direct over its own rails both Rockford and Freeport, Illinois. There are two lines serving Springfield and southern Illinois that serve Rockford and Freeport via their own rails.

Exhibit no. 6 shows the miles and present and proposed rates from Clinton, Indiana, and Linton, Indiana, groups on respondent's line, and the percentage each bears to the Holmes & Hallowell scale, also what rates would be under scale prescribed by the Commission in rates from Indiana to Illinois, I. C. C. docket 23922, with like information from the Springfield, Illinois, group via Chicago, Burlington & Quincy Railroad and Illinois Central Railroad, and from southern Illinois group via Chicago, Burlington & Quincy Railroad and Illinois Central Railroad and also western Kentucky via Illinois Central Railroad, western Kentucky rates being related by order of the Interstate Commerce Commission to the rates from southern Illinois.

It will be observed that the proposed rate from Clinton, Indiana, via respondent is 69 percent of the Holmes & Hallowell scale, and under scale prescribed in docket no. 23922, would be $1.99 per ton. That the proposed rate from Linton, Indiana, would be 65 percent of the Holmes & Hallowell scale, and under docket 33922 scale, $2.07 per ton. From the Springfield, Illinois, group via Chicago, Burlington & Quincy Railroad, rate of $1.70 per ton, or 61 percent of the Holmes & Hallowell scale, and under 23922 scale, $2.15 per ton.
128 The $1.70 per ton rate from Springfield via Illinois Central Railroad would be 69 percent of Holmes & Hallowell scale, and under 23922 scale would be $1.99 per ton, or the same, as would be the rate from Chicago, Milwaukee, St. Paul & Pacific Railroad, Glinton, Indiana, group mines.

From southern Illinois, rate of Chicago, Burlington & Quincy Railroad is $2 per ton, 56 percent of Holmes & Hallowell scale, and under 23922 scale, $2.55 per ton. From southern Illinois via Illinois Central Railroad $2 per ton rate is 61 percent of Holmes & Hallowell scale, and under 23922 scale would be $2.39 per ton.

From western Kentucky via Illinois Central Railroad, rate of $2.35 per ton is 58 percent of the Holmes & Hallowell scale, and under 23922 scale would be $2.87 per ton.

All of which we feel, abundantly proves that the proposed rates from Clinton and Linton, Indiana, groups are fully up to the level and commensurate with general level of rates to Rockford and Freeport, Illinois. We strenuously object to the principle of basing rates from our mines to the territory served by us direct and in competition with mines in Illinois on the use of average of all routes from groups in Indiana which we serve while at the same time the rates from Illinois are based on absolute shortest mileage that can be found. This was done in docket no. 23130.

If this principle is extended, it will deprive respondent of an opportunity to haul coal from mines on its own rails in Indiana to destinations on its own rails in northern Illinois, Wisconsin, Iowa, Minnesota, and South Dakota.

Finally, how can proposed rates from Clinton and Linton, Indiana, groups be condemned when this respondent is required by another regulating authority to join in rates from these Illinois groups
129 on mileages ranging from 199 to 373 miles from the Springfield group, and 327 to 411 miles from southern Illinois group to Rockford, Illinois, and distances ranging from 242 miles from Springfield, Illinois, group and 370 to 511 miles from southern Illinois group to Freeport, Illinois? If mileage is the only factor, why should rates from Springfield, Illinois, via routes of 373 miles be any lower than rate from southern Illinois for 327 miles to Rockford, or why should rate from Springfield, Illinois, for 413 miles to Freeport, Illinois, be lower than the rate from southern Illinois for 370 miles? In other words, it seems to me to be consistent, if we were to have a mileage scale, it should be a mileage scale without any reservation.

"Mr. TAYLOR. The respondent at this time offers in evidence exhibits 1 to 6, both inclusive.

"Exam. TREZISE. It will be understood throughout this hearing that exhibits, when referred to and properly identified, will be shown as received in evidence without formal offer, unless there is objection, and they are later rejected. Let the record show that, please, Mr. Reporter, as applying to the introduction of all exhibits."

(Respondent's exhibits 1 to 6, both inclusive, Witness Averitt, received in evidence.) (Test. 17–25.)

That 10-day period afforded me all the opportunity I want to prepare for the defense of this case. The rules are there and if I observe them, I think everybody else ought to observe them. (Tes. 26.)

It is my thought that the Commission in determining the propriety of our proposal, reducing rates from Indiana mines to Rockford and Freeport, should be governed solely by the distance over the Milwaukee Railroad, regardless of the distance which may
130 apply from other mines in the Brazil-Clinton group, or the Linton-Sullivan group. That is all they have before them and that is all they should consider.

"Q. Do you think that there is little likelihood of other lines in the Brazil-Clinton group and the Linton-Sullivan group applying the same rate in the event that your reduced rate is permitted to be the same rate in the event that your reduced rate is permitted to become effective?

"A. If they do, I think they should properly go over the same hurdles that I have got to go over."

Summing it all up, I think they should totally ignore the distance over routes other than the Milwaukee, in determining the rates to Rockford and Freeport, from those two northern Indiana groups. It has been ignored in the case of other groups, as I pointed out, groups operating over mileages from central Illinois that are in excess of the mileage, the short-line mileage, from southern Illinois. And further than that, I do not think it would make any difference what the other lines publish from the Clinton and Linton groups, because 99 percent of the coal that moves to Rockford and Freeport from Indiana moves over our railroad.

Referring to exhibit 1, showing the mileage from Mt. Olive to Rockford, via the Wabash: I am not familiar with the fact that the Illinois Central serves Mt. Olive as well as the Wabash. I do not know that.

"A. Let me ask you——

"Q. Yes?

"A. Do they ship any coal over the Illinois Central to Rockford and Freeport?

"Q. Well, I am not on the witness stand now, Mr. Averitt.

"A. Oh!"

131 The Illinois Central serves Mt. Olive, and it also serves Freeport and Rockford. As to why, knowing that, I did not show the mileage from Mt. Olive via the Illinois Central as well as the Wabash, on my exhibit 1, to Freeport and Rockford: My understanding is that the mine is served by the Wabash Railroad, and this exhibit purports to show the distance via the Wabash Railroad and not via some line that does not get into the mine. I did look into the question of whether or not the Illinois Central could handle coal

from the mines at Mt. Olive direct; I found that they did not handle any; the coal from Mt. Olive, of the Consolidated Coal Company, moves via the Wabash. Taking the mines on the Wabash at Mt. Olive, I understand that the Illinois Central absorbs the Wabash switching at Mt. Olive, if they have an opportunity. Assuming that they do have an opportunity, that would not materially change my exhibit 1; all that the exhibit purports to do is to show the Wabash mileage. I do not think you can take advantage of a mileage that you do not use, just at some time or another. I am advised that they are not used; personally, I do not know; I have never been down there to see and check the interchanges, to see whether they are used or not.

In connection with the rates applicable via our line from the Brazil-Clinton district, we do not have any washing-in-transit arrangement applicable in connection with those rates. We make an allowance for moisture in connection with those rates, the same as all the other Illinois lines allow—the same allowance. The allowance for the weight of the moisture is made at the time the shipment is made, but that is not involved in this case. The coal is not dried prior to shipment; it is dewatered to a certain extent. Some of the moisture is taken out. The water that we make an allowance
132 for is not taken out; there is still moisture in the coal after it is dewatered. If that has anything to do with it, we will go into it. But I submit that what we do, or what the operator does under the washing arrangement at the mines, has nothing to do with this proposition. I do not know if the operator charges for the full weight of the coal; I am not interested in what the operator does.

"Mr. ROSENBAUM. Well, he stated that they make an allowance for moisture, and he has also admitted that some of the moisture is taken out from the coal.

"Exam. TREZISE. Now, you ask——

"The WITNESS. But not in excess of what the coal contains when it is billed out, on which the moisture allowance is applied. Our practice in Indiana is not any different than what it is in Illinois, if there are any washeries in Illinois; and it is a practice that has been in effect for 25 years. That is, the publication has been there, but it has only been within the last 4 years that there has been any coal washed in Indiana."

In connection with such a movement, I never checked up on the weight at the destination as compared with the billing point. The allowance that is made is a maximum allowance that the shipper is permitted to deduct; if it is not the maximum he does not deduct it. We have no washers in the Clinton district; there are two in the Linton District on our line. (Tes. 27–34.)

I think that all of the rates in Illinois, Indiana and Western Kentucky, to Rockford and Freeport, are less than reasonable maximum rates. I do not know whether the fact that they are less than rea-

sonable maximum rates had anything to do with—or led to the Illinois Commerce Commission reducing the rates from Illinois to Rockford and Freeport. I do not know what went through the mind of the Illinois Commerce Commission, no; that is beyond
133 me. There are a large number of other points of origin in the Brazil-Clinton group that take the same rate to Rockford and Freeport as the present rates from our points of origin. I do not know how many other points of origin there are in the Brazil-Clinton district; in these days these mines are going down very rapidly in Illinois and Indiana.

"Q. Your exhibit attached to your answer shows some 23 billing points; is that about right, Mr. Averitt?

"A. Well, there are 25 mines on our railroad in both the Clinton and Linton districts."

We have only four billing points in the Clinton district. There are about 25 mines in the Linton district; the billing points do not reflect how many mines there are.

The effect of the going into effect of the proposed rates would not be to split the Brazil-Clinton group, not on our railroad. As far as the group as a whole is concerned, I do not think it makes any difference. It would mean we would have one rate and the Pennsylvania would have another, but neither the Pennsylvania nor the Chicago & Eastern Illinois, nor the Monon, nor any of the rest of the lines, are a factor in this situation; they do not ship any coal there, anyway. In the Sullivan-Linton district we have 7 billing points; the exhibit attached to my answer shows there are about 40 billing points in there that take the same rate to Rockford. It will speak for itself. There is a 5-cent differentials between the Brazil-Clinton district and the Sullivan-Linton district to Rockford. I will have to explain, as I explained before, the agreement of 15 or 20 years ago was to carry from the Clinton-Brazil district, the Springfield rate as a minimum, at Joliet, Aurora & Rockford.
134 The Princeton district is south of Linton. The differential that has existed between the Brazil-Clinton district and the Sullivan-Linton and Princeton districts, on coal moving to Rockford, is 7 cents per ton. That is getting to be a very important district. There are two or three mines down there in the Princeton district that produce three or four thousand tons per day.

South of the Princeton district lies the Boonville district; it has a differential of 3 cents over the Princeton district. As to what would be the effect if these was a reduction in the rates from the Brazil-Clinton district, and the Sullivan-Linton district, to any of these competitive points in the northern part of Illinois, with reference to the preservation of the differentials in the Indiana groups: I think I can tell you there would be a suspension case. I have no opinion as to whether the rates from the other groups or districts would be reduced, because there would probably be a sus-

pension case, and I cannot guess what would happen. I am more or less lukewarm about the preservation of groups and the preservation of differentials; however, I do not object very much to you having a differential in Springfield—in the Springfield group, if you want it.

"Q. Now, as I understand your testimony, you base your case wholly upon the difference in distance as shown by your exhibits; in other words, it is a question of mileage. Is that correct, Mr. Averitt?

"A. Well, I explained, that is usual in these later days. All you do is to take a yardstick and measure the distance, and there you have got the rate.

"Q. Had you compared the mines, we will say, in the northern portion of the Springfield *gourp*, which are directly opposite—you might say opposite the Brazil-Clinton district, the mileages would have been somewhat different, would they not?

135 "A. Why, I think that you can figure out almost anything you want to find out, on these mileages. I think you could figure that—you show——

"Q. Yes?

"A. (Continuing.) In your protest of these rates going into effect, the distance from Springfield as 198 miles.

"Q. And you do not have any such mileage as that from the Brazil-Clinton district?

"A. Well——

"Q. To Rockford.

"A. 231 is the mileage I show on the exhibit, and that is all I claim."

Inquiring if I would have any objection to the publication of rates from Springfield, based upon their mileage, if I am permitted to publish rates from Brazil-Clinton and Linton-Sullivan districts on my mileage: My objection is not going to cut any ice about that.

Referring to exhibit 1: Mt. Olive is located in the southern part of the Springfield group; I said it was near East St. Louis. As to what possible weight can a comparison of mileages from the Mt. Olive group to Rockford, as compared with the mileage from the Brazil-Clinton group have, and should I not compare the Mt. Olive mileages possibly with those from Evansville or southern Indiana, rather than the Brazil-Clinton district, if I want to be fair; no. The purpose of this exhibit was to answer Mr. Rosenbaum's protest. I did not have anything in mind, only what the exhibit shows. I was answering Mr. Rosenbaum's protest to the Commission that our rates ought to be suspended, and that he ought to operate a rate for 315 miles, of $1.70, and we should be denied the right to operate a rate for 231 miles, of $1.70. I said at the outset, I think that the rates are all less than reasonable maximum rates, and that if our rate, proposed rate of $1.70, is too low, then what can be said of Mr. Rosenbaum's rates? That is the purpose of that.

136 I have made an investigation as to whether or not there is a real necessity for a reduction in our rates to move the coal: Our movement of coal to Rockford is off very much, the same as it is in Illinois, or greater; but there will be another witness who will tell you about that. (Tes. 34–44.)

I think that it is true that 99 percent of our coal moving out of the Brazil-Clinton and Linton-Sullivan groups, that went to Rockford and Freeport, originates on the Milwaukee Railroad. I am too modest to attribute that to my success as a coal solicitor. I do not know if coal originating on the Milwaukee Railroad, in the Brazil and Linton districts, sells in Rockford at the same price as coal originating at mines on the Chicago & Eastern Illinois Railway, in the Brazil group. I do not sell any coal; there will be a coal man here.

"Q. (By Exam. TREZISE:) Mr. Averitt, the measure, the distance measure of your rate from Mt. Olive is not the distance that you have shown here, is it? In other words, what the examiner is inclined to believe is that there are shorter distances in that group, and two of them were put together to make the rate.

"A. Oh, you can find distances from 189 miles up to 377 miles, Mr. Examiner.

"Q. And if you put the two together, if you average them, or if you took the short line, or anything of that nature, you would have really a higher percentage of the Holmes & Hallowell scale from the group in which Mt. Olive is located; is that correct?

"A. Yes, sir; if you took the average of all of them.

"Q. The 55 percent of the Holmes & Hallowell scale there is rather shocking to the examiner, and I was just wondering what the real answer to that was.

"A. Well, the average to Rockford—and this is taken from exhibit no. 335, submitted by Witness Wildman in docket 23130—is 237.9 miles.

"Q. Oh, yes. Well, if you took——

137 "A. (Continuing.) Taking the average from all of the groups in Indiana—from the Clinton group the short-line distance, according to Mr. Wildman, is 226.4 miles. The average distance from all mines in the group is 270.9, according to Mr. Wildman; and according to Mr. Waffle, 267.

"Exam. TREZISE. Well, the gentlemen did not quite agree on that.

"The WITNESS. They never agree on anything.

"Mr. WILDMAN. It is not a very great difference."

In exhibit 3 I have a distance from the Springfield, Illinois, group of 198.1 miles, that is the short tariff route via the Illinois Central Railroad. Go over on page 2 of that exhibit, and you will see, Illinois Central, from nine points, 198.1 miles. I call your attention to the fact that that distance is figured over the Milwaukee Railroad from Mendota, and the Illinois Central does not voluntarily give the Milwaukee any business going to Rockford at Mendota. It has

got a line of its own. There is a rate that way, but they use it just as little as they can.

(Statement by Mr. Wildman:) That 198.1 miles represents the average distance from the nine points on the Illinois Central shown in their tariff, taking the Springfield rate. To Rockford, including Lincoln, I assume Lincoln is one of the points, and to Rockford the rate is as Mr. Averitt stated, applicable over the Illinois Central, Mendota, and thence the Milwaukee.

(Witness continuing:)

In the Commission's decision in docket no. 23130, the Commission said the rates from Illinois could not be found to be a burden on interstate commerce, unless and until the rates from the Indiana groups were advanced. They did not say which Indiana group or groups.

Coal rates have not been made on a mileage basis; that is my opinion—absolutely—in this proceeding. I think the group
138 basis should be continued; I have no desire in this proceeding to disturb any long-standing group adjustment. I am perfectly willing now—we do not reach these other Indiana groups, but I am willing to haul coal from any point in Indiana over the Milwaukee Railroad, to Rockford and Freeport for the same amount that I haul it for from Illinois, coal originating in Illinois. The same identical charge. The Big Four serves Illinois, and it also serves Indiana, and so does the Chicago & Eastern Illinois. We have routes with them via Momence and Delmar, and we have routes with them via Chicago. Now I am willing to haul Big Four coal, whether originating in Illinois on the one hand, or in Indiana on the other hand, for the same money that we haul it for from Chicago when it originates in Illinois.

Asking if I am contending for a lower basis of rates on coal from the Indiana mines, than from Illinois mines: I am contending for the same, and for the maintenance of an adjustment that has extended back for over a period of 20 years, and was not disturbed until your order reducing the rates in Illinois; and if those rates had been—it is only 2 or 3 miles from the edge of the Clinton district over to Illinois, and that coal field extends across the State; and if those mines had been located, some of them, a mile further west than they are, you would have reduced the rates under your order.

Referring to exhibit 4: In connection with my comparison to Rockford I have taken 4 origin points in the Brazil-Clinton group and found an average of 231 miles, while I have taken 75 of my points in the Central Illinois group and found an average distance of 269 miles. In both cases, I took all there was. All I am talking about is the Brazil-Clinton group; that is all the Commission has be-
139 fore it, the rates from the Clinton and Linton groups on the Milwaukee Railroad. Even there it shows a difference of 38 miles against the Central Illinois origins. Those 75 origins as shown from Central Illinois only include routes via which our line is a

party; via which the Illinois Commission reduced the rates. Our rates have been partially reviewed by the Interstate Commerce Commission.

Referring to exhibit 1: I show a mileage of 315 miles, the Wabash Railroad, Decatur, Illinois, Illinois Central.

"Q. Is it not a fact that the Illinois Central has a direct route of 248 miles from Mt. Olive to Rockford?

"A. Well, that is like talking about—you can find probably shorter routes than I have used here from Indiana; I do not know."

The route we used, so far as the Consolidated Coal Company is concerned, is not on the Illinois Central Railroad; it is on the Wabash.

Comparing like with like, that is the Illinois Central direct route from the Springfield mines to Rockford, the distance via the single line route of the Illinois Central is 236 miles, as my Exhibit 6 shows, as compared with our single-line haul from Brazil-Clinton of 231 miles.

I said I would have no objection to seeing the maintenance of long-established relationships as between the groups. By that I mean the relationship that existed prior to August 1930, when the intrastate rates to Rockford and Freeport, and these other stations, were reduced. The only reason they were not reduced when the Commission reduced the rates in Illinois, was because of the petition under the 13th section filed by Illinois, Indiana, and western Kentucky carriers. If I had known what I know now, the rates from Clinton would have been reduced immediately they were reduced from Illinois. I have learned something. (Tes. 44-54.)

140 As to why the Milwaukee joined with the Wabash in establishing a rate from say Mt. Olive to Rockford and Freeport: To meet short-line competition. If we did not have such a rate, by reason of the fact that the Illinois Central absorbs the Wabash switching at Mt. Olive, it is obvious that the Illinois Central would haul the business direct from Mt. Olive then to Rockford and Freeport. Where there is even a difference of 1 cent per ton in the rate via one route as against another, it will move the other route, to save the 1 cent per ton.

"Q. And that is why you have that rate, then, just to meet that Illinois Central competition from Mt. Olive to Rockford and Freeport?

"A. I do not know that we ever sat down and considered it that way, but we are considering rates from the Springfield group.

"Q. As a whole?

"A. Yes, sir."

I said I was agreeable to preserving the groups in Illinois and the differential adjustments. In this proceeding, we will not split the groups in Indiana. I have not split any group in Indiana. As to whether the going into effect of the proposed rates will split a group: We will have a lower rate than some other line does from

the same group to Rockford and Freeport, but that is not my fault; I only publish rates from our mines.

As to what effect it would have on other rates if the Interstate Commerce Commission allows the reduced rates here to take effect: I have said to the other lines, if they want to publish rates to Rockford and Freeport in connection with our line, we will accept the same revenue west of Chicago or west of our junction with the Indiana lines, that we receive on coal from Illinois. Now, if it is going to affect Indiana, I apprehend that Illinois, as they
141 have in this case will come along and say "you have got to suspend these rates; we are going to have an investigation into them." But I am not the custodian of the rates on the Chicago & Eastern Illinois, or the Big Four. I am with the Milwaukee. It is my thought that this is the thing we are willing to carry out, and so far as the other railroads are concerned, they can do as they please and we will stand the consequences. There was something said about low rates in Indiana. I am saying that the rates from the Clinton and Linton districts are not low rates—or not lower rates, compared to Springfield, Illinois. When I refer to rates from Indiana to Illinois, I refer to our proposed rate. And if some other line, some other direct line comes along from the Princeton district—now, personally, I do not think the rate from the Princeton-Boonville group could be justified, 7 cents, or 17 cents—12 cents over Clinton, the Clinton-Brazil rate. The average distance there is about 100 miles. The Commission has said on numerous occasions that the average distance of 100 miles between Springfield on the one hand, and southern Illinois on the other hand, is absolutely right. If that be true in Illinois, I do not know why it would not be good gospel over in Indiana.

We do not serve the Princeton-Boonville group. I think the Commission had in mind the Princeton-Boonville group to Rockford when they referred to the unusually low rates from Indiana to Illinois, in docket 23130; if they had all of the facts, they could not say that the rates from these mines that I am talking about, were not commensurate with, and on the same basis as, the rates from Springfield, Illinois, to Rockford and Freeport.

If these rates went in as I have proposed, I do not think other reductions would result in consequence thereof on other lines. If they did, they have protection in the Interstate Commerce Commission just as these gentlemen have tried to have you protect
142 them against our invasion. I have been in this a long time, and there has grown up the feeling that Illinois should have a wall built around it, and nobody ship coal into Illinois, but Illinois. And this is part of the plan. My answer to the question whether these rates if permitted to go into effect, would disrupt the rates in the general territory, is to let the future take care of itself. I am not going to anticipate what is going to be done. Here is a situation that I claim ought to be remedied.

I did say to the other lines that I would accept the same revenue from our junction points on coal from Indiana that I do from Illinois. What I have said is, if our division of the rates from Chicago to Rockford is 60 cents on coal moving via Chicago from southern Illinois, I will say to the Indiana lines, "I will haul your coal to Rockford for 60 cents; I do not care where it originates."

Confining ourselves to the Indiana mines, and inquiring if the Pennsylvania desired to reduce the rates from its lines in the Brazil-Clinton group to Rockford and Freeport, would we join in their rate, the same rate as we publish from our mines: My answer is yes. That includes all of them, all the way down, clear on down south to western Kentucky. I would be willing to make the same reduction in the rates from the other Indiana groups there, as I propose from the Brazil-Clinton and Linton-Sullivan groups, if they can get by. We have joined in rates from west Kentucky, and the rate was reduced 17 cents from west Kentucky. Now, when you are passing out 17 cents, why confine it to west Kentucky, or southern Illinois? Let it go all the way around. Give them all 17 cents. I would be willing to do that. I am advocating that.

143 My statement with respect to the present rates being reasonable maximum rates, includes all of the rates in Illinois; all of them that are involved in this hearing here, and that includes the rates to Elgin, and all the way along our line from the Chicago district to Rockford and Freeport. That is not confined to Rockford and Freeport alone.

I covered that, that even the present rates are not more than reasonable and explained it. (Tes. 54–62.)

(Witness excused.)

JONAS WAFFLE, managing director, Coal Trade Association of Indiana, Terre Haute, Ind., testified:

Our organization is a voluntary association, composed of coal operators who own and operate coal mines in the four major producing districts of Indiana. Of the total Indiana tonnage, our membership produces about 80 percent; of the total Brazil-Clinton and Linton-Sullivan group tonnage, approximately 90 per cent; and over 95 per cent of the tonnage loaded on the Milwaukee Railroad. I have been intimately associated with traffic and transportation work for about 30 years. Since January 1928 I have been connected with the association affairs of the Indiana coal operators, and during that time I have handled all their traffic and transportation problems. During the same period I have participated in all the major cases involving coal rates in the Midwest. I am familiar with the rate adjustment on coal and with the coal rate decisions handed down by the Commission during the past 20 years. I am also familiar with the economic and competitive problems of the mining industry. The exhibits I will introduce were prepared by me or under my supervision. The destinations involved in this proceeding, particularly the important industrial cities of Rockford and Freeport,

are natural, logical, and highly competitive markets for coal produced in Illinois, Indiana, and western Kentucky, and for that reason it is imperative that the rates from all competing mines be placed on a proper relationship.

144 Prior to the reductions required by the Illinois Commission in dockets nos. 13558 and 13569 to Freeport and Rockford, the rates from the Brazil-Clinton and Linton-Sullivan groups were 30 and 25 cents per ton, respectively, under the rates from southern Illinois. The Brazil-Clinton rate was the same as central Illinois and the Linton-Sullivan rate 5 cents per ton higher.

When these Illinois reductions were made, the Indiana operators petitioned the carriers to make corresponding reductions and thus maintain the relationship which had long existed between the rates from the Illinois groups, on the one hand, and the Indiana groups on the other. They refused to do so on the ground that a pending petition for a 13th section investigation alleged that the reduced Illinois rates discriminated against the Indiana rates, and for that reason could not make any changes in the Indiana rates until the 13th section case was finally adjudicated.

The Milwaukee Railroad having suffered an increasing loss of traffic from the unjust rate situation erected by the reductions in the Illinois rates, reduced the rates from its Brazil-Clinton and Linton-Sullivan mines to Rockford, Freeport, and intermediate points so as to restore the relationship that existed prior to the Illinois reductions.

We are of the opinion, and believe it can be successfully demonstrated, that the suspended rates are fully justified, not only for application from the Milwaukee Railroad mines, but from all mines in the Brazil-Clinton and Linton-Sullivan groups. I might say that beginning with the map the exhibits are in the order in which they will be introduced.

My first exhibit, no. 7, is a map showing the line of the Milwaukee Railroad from the Brazil-Clinton and Linton-Sullivan groups in Indiana to Rockford, Freeport, and the intermediate points involved in this proceeding. The suspended rates of $1.70 and

145 $1.75 apply to Rockford, Freeport, and as far east on the main line as Bensenville and south to Duffin on the Delmar-Kirkland line.

The Milwaukee Railroad operates through train service from West Clinton, Indiana, to Joliet, Illinois, an operating division point, and from Joliet to Savannah, the terminus of the Illinois division, and it also operates from West Clinton to the Bensenville yard via Blue Island.

Shipments for points Kirkland and west and handled via the Joliet route, and those for points east of Kirkland, to points north of Chicago and for local deliveries on the Milwaukee in Chicago are handled in the West Clinton-Bensenville trains.

Shipments for connecting lines at Chicago, with which the Milwaukee has no direct connection, are delivered to the Indiana Harbor

Belt or Baltimore & Ohio Chicago Terminal at Blue Island for transfer to such connecting lines.

My next exhibit, no. 8, consisting of four pages, shows the average of the short tariff route distances from the Brazil-Clinton, Linton-Sullivan and southern Illinois groups to Rockford, Freeport, and the intermediate points shown on my preceding exhibit. The current rates are shown in column 6, and the shortest tariff routes, over which the mileages were determined, are shown in column 7.

My next exhibit, no. 9, consisting of three pages, shows the average of the short tariff route distances from Central Illinois to Rockford, Freeport and intermediate points. Rates and routes are shown in columns 5 and 6.

My next exhibit, no. 10, contains a recapitulation of the average distances included in the two preceding exhibits. The grouping of the stations will be explained in connection with a later exhibit.

146 My next exhibit, no. 11, contains the mileage scale prescribed in docket 23922 and related cases, for application from the Indiana mines to central eastern Illinois. Opposite each of the rates various per cents of the scale are shown, to which reference will be made in some later exhibits.

In that exhibit, I have extended the scale as prescribed in the decision of the Commission to 400 miles, at 8 cents for each 25 miles. That is the rate of progression for the last 100 miles in the block. I have done that because some of the distances that we will use in the comparison exceed the distance prescribed in the scale.

My next exhibit, no. 12, shows the scale of rates prescribed in the Holmes & Hallowell Company case, 69 I. C. C. 11, to which reference will also be made in later exhibits. The various percentages of the scale, from 60 percent to 99 percent are shown in the exhibit.

My next exhibit, no. 13, compares the rates and distances from the Chicago, Milwaukee, St. Paul & Pacific mines in the Brazil-Clinton and Linton-Sullivan districts with those from southern Illinois to Rockford, Freeport, and intermediate points. The figures in columns 5 and 6 are the distances from Chicago, Milwaukee, St. Paul & Pacific mines, via that line direct, to the destinations shown in the exhibit. The Indiana distances are confined to those from Milwaukee mines for the reason that the rates under suspension apply only via that line. The distances in column 7 are the average of the entire group via the short tariff routes. These average distances apply from all mines that enjoy the $2 rate from southern Illinois to Rockford and Freeport.

The percentage relationship of the suspended Indiana and southern Illinois rates of the 23922 scale extended, and the Holmes & Hallowell scale, are shown in columns 8 to 10 and columns 11 to 13.

147 Columns 14 to 17 show constructed Indiana rates based on the southern Illinois per cents of the 23922 and Holmes & Hallowell scales shown in columns 10 and 13. Columns 18 and 19 show for Brazil-Clinton and Linton-Sullivan the average of the constructed rates in columns 14 to 17.

Using the combined average distances in Rockford and Freeport, shown in item 1, the rates from Brazil-Clinton and Linton-Sullivan would be $1.68 and $1.74 under the 23922 scale percents, and $1.54 and $1.69 under the Holmes & Hallowell scale percents, the average under both scales being $1.61 from Brazil-Clinton, and $1.72 from Linton-Sullivan.

Item 2 includes the remainder of the stations to which the $2 rate applies from southern Illinois. The result for this group is rates somewhat lower than those shown for Rockford and Freeport, the average, shown in columns 18 and 19, being $1.55 from Brazil-Clinton, and $1.66 from Linton-Sullivan.

Item 3 includes stations to which the southern Illinois rate is $2.10. To this group the Indiana rates would be $1 58 and $1.75 under the 23922 scale percents, and $1.40 and $1.59 under the Holmes & Hallowell scale per cents, with average rates of $1.49 from Brazil-Clinton, and $1.67 from Linton-Sullivan.

To DeKalb the southern Illinois rate is $1.90 and for that reason is shown separately. The southern Illinois percents would produce rates to DeKalb of $1.42 and $1.57 under the 23922 scale percents, and $1.29 and $1.46 under the Holmes & Hallowell scale per cents, with average rates of $1.36 from Brazil-Clinton, and $1.52 from Linton-Sullivan—considerably less than the rates under suspension.

Because of their class [close] proximity to Rockford and Freeport, and the fact that they have the same rate from southern Illinois,
148 the stations in item 2 should properly be grouped with Rockford and Freeport in determining the measure of the Indiana rates, and their relationship to the southern Illinois rate.

The combined distances to the points in items 1 and 2, as shown in item 5, result in rates of $1.61 and $1.74 under the 23922 scale, and $1.46 and $1.65 under the Holmes & Hallowell scale, the average of the two being $1.54 from Brazil-Clinton and $1.70 from Linton-Sullivan.

Item 6 is a composite of all the destinations in the exhibit, and is included solely for the reason that the suspended Indiana rates are the same to all the destinations shown in the exhibit.

That concludes my comment on that exhibit.

My next exhibit, no. 14, prepared in the same form and containing the same type of data, compares the suspended rates with those from central Illinois, based on distances from the Milwaukee mines via that line direct, with the average short tariff route distances from oil [all] points in the central Illinois group.

The average of the distances to Rockford and Freeport under the 23922 scale per cents will preoduce rates of $1.70 from Brazil-Clinton and $1.76 from Linton-Sullivan, almost identical with the rates under suspension. Under the Holmes & Hallowell scale per cents, the rates would be $1.70 from Brazil-Clinton and $1.86 from Linton-Sullivan, the average under both scales being $1.70 from Brazil-Clinton and $1.81 from Linton-Sullivan.

As shown opposite item 5, the average rate from Brazil-Clinton would be $1.61, and from Linton-Sullivan $1.78; and for all destinations included in the exhibit, shown in item 6, the average rate would be $1.54 from Brazil-Clinton and $1.70 from Linton-Sullivan.

Except for the line of the Illinois Central from the Linton-Sullivan group, which serves an insignificant tonnage, the Milwaukee is the only direct single line route from the Indiana coal fields
149 to Rockford and Freeport; and in fact, to a number of intermediate points. It also handles the major part of the tonnage from the Brazil-Clinton and Linton-Sullivan groups to Rockford and Freeport. From southern Illinois there is one direct line to Freeport, namely, the Illinois Central, and two direct lines to Rockford, namely, the Chicago, Burlington & Quincy and Illinois Central. These are the two principal coal-carrying lines from the southern Illinois district to those two points; and they can handle the major part of the tonnage that goes into those points. That is to say, they handle the tonnage as destination lines.

A comparison of the rates and distances over the direct single-line route of the Milwaukee Railroad from its Brazil-Clinton and Linton-Sullivan mines with those over the direct single-line routes from southern Illinois, is shown in my next exhibit, no. 15.

The distances to Rockford are shown in items 1 to 3, to Freeport in items 4 to 6, and a composite of both points in items 7 to 9. Based on the distances shown in items 1 to 6, the rates to Rockford would be Brazil-Clinton $1.61 and $1.49, average $1.55; Linton-Sullivan $1.68 and $1.64, average $1.66.

To Freeport the rates would be Brazil-Clinton $1.78 and $1.75, average $1.77; Linton-Sullivan $1.92 and $1.91, average $1.92 To Rockford and Freeport, based on the combined distances shown in items 7 to 9, the Indiana rates would be Brazil-Clinton $1.74 and $1.59, average $1.67; Linton-Sullivan $1.81 and $1.74, average $1.78. These average rates are 3 cents less and 3 cents higher than the suspended Illinois rates. Those are for the most distant points in this destination group involved in this proceeding. They are in the extreme western end of the territory involved in this suspension case.

My next exhibit, no. 16, contains a similar comparison via the Milwaukee and the direct single-line routes from central Illinois. There are three direct routes from central Illinois to Rockford, namely: Chicago & North Western, Chicago, Burlington &
150 Quincy and Illinois Central, and two direct routes to Freeport, namely: Chicago & North Western and Illinois Central.

Predicated on the central Illinois percents of the two scales, constructed rates from Indiana are shown in columns 7 and 8. To Rockford the rates would be: Brazil-Clinton $1.69 and $1.66, average $1.68; Linton-Sullivan $1.76 and $1.83, average $1.80. To Freeport the rates would be: Brazil-Clinton $1.76 and $1.86, average $1.81; Linton-Sullivan $1.90 and $2.03, average $1.96. Based on the

combined average distances to Rockford and Freeport, the Indiana rates would be: Brazil-Clinton $1.76 and $1.75, average $1.76; Linton-Sullivan $1.83 and $1.92, average $1.87.

My next exhibit, no. 17, compares the rates and distances over the short rate-making line routes of the Milwaukee Railroad from its Brazil-Clinton and Linton-Sullivan mines with those via the short rate-making lines from southern Illinois to Rockford and Freeport.

Items 1 to 3 show the distances over the short rate-making lines to Rockford; items 4 to 6 to Freeport; and items 7 to 9, the composite average distance to Rockford and Freeport.

Using the percents shown in columns 5 and 6, the rates from Indiana to Rockford would be: From Brazil-Clinton $1.72 and $1.64, average $1.68; Linton-Sullivan $1.78 and $1.80, average $1.79. To Freeport, the rates would be Brazil-Clinton $1.78 and $1.67, average $1.73; Linton-Sullivan $1.92 and $1.87, average $1.90.

Based on combined average distances to Rockford and Freeport, the rates developed in columns 7 and 8 are: Brazil-Clinton $1.73 and $1.63, average $1.68; Linton-Sullivan $1.87 and $1.79, average $1.83.

The distance from these groups to Freeport is the distance via the Milwaukee direct; that line has a short tariff route to Freeport,
shorter than the one shown there; that is to say, a route
151 over which the present rate of $1.87 applies to Freeport. They
did not publish the $1.70 rate via that route; they confined it to their own route.

My next exhibit, no. 18, compares the suspended Indiana and southern Illinois rates, based on the average of the short tariff route distances from all mines in the Brazil-Clinton, Linton-Sullivan, and southern Illinois groups. That is to say, the average distance shown in columns 5 and 6 is the average distance from mines on all origin railroads in the group, via their short tariff route. The details of that are shown in my previous exhibit no. 8. (Tes. 64–76.)

The combined Rockford and Freeport distances would produce rates under the 23922 scale percents of $1.74 and $1.81, and under the Holmes & Hallowell scale percents rates of $1.62 and $1.76, the average being $1.68 from Brazil-Clinton and $1.79 from Linton-Sullivan. The combined distances in items 1 and 2, shown in item 5. result in rates of $1.74 and $1.81 under the 23922 scale, and $1.61 and $1.72 under the Holmes & Hallowell scale, with average rates of $1.68 from Brazil-Clinton and $1.76 from Linton-Sullivan. The latter rates are very close to those under suspension.

My next exhibit, no. 19, compares the Indiana and southern Illinois rates, based on the short rate making line routes from the Brazil-Clinton, Linton-Sullivan, and southern Illinois groups to Rockford, Freeport, and intermediate points. The latter references opposite the distances identify the routes over which the distances were determined.

The combined average distances to Rockford and Freeport produce rates of $1.71 and $1.85 under the 23922 scale percents, and $1.66 and $1.81 under the Holmes & Hallowell scale percents, the average being $1.69 from Brazil-Clinton and $1.83 from Linton-Sullivan.

152 Item 5 indicates that the average rate for all of the points that take the $2 rate from southern Illinois, shown in columns 18 and 19, would be $1.69 from Brazil-Clinton and $1.80 from Linton-Sullivan.

While we do not believe that short rate making line distances should be used in determining the relative level of rates, or the relationship of rates, we have submitted the preceding exhibit because that theory was used by the Commission in docket 23130 in determining the rates from southern Illinois.

As the rates from Brazil-Clinton and Linton-Sullivan groups were involved in the Illinois 13th section case, docket 23130, I wish at this time to point out an erroneous statement of fact as to the relative level of the rates to Rockford, Freeport, and Dixon, from southern Illinois, and those from Brazil-Clinton and other Indiana groups, which appears on pages 549 and 550 of the original report in docket 23130. Beginning with the last paragraph on page 549 of the report, it is stated:

"While it is evident that a number of the assailed rates from Illinois groups to Rockford, Freeport, and Dixon are well below the reasonable level of rates in this territory, that appears to be true also of most of the rates from the Indiana groups to the same destination."

Immediately following the aforesaid statement, an erroneous comparison, based on percents of the Holmes & Hallowell scale, is made of the rates from the Brazil-Clinton and southern Illinois groups to Dixon. The report states:

"The rate from the Brazil-Clinton group to Dixon is only 66.5 percent of the Holmes & Hallowell scale, which is the same percentage that the southern Illinois-Dixon rate is of the scale."

153 The 66.5 percent shown for southern Illinois is predicated on the short rate-making line distance of 297.7 included in the table at the top of page 548 of the report. All the mileages in that table were taken from Wildman's exhibit no. 335. However, in determining the Brazil-Clinton group rate percentage, the Commission used the average distance of 260 miles from the entire group, also shown in Wildman's exhibit no. 335. Had the Commission, as it did with the southern Illinois rate, used the short rate making line distance from Brazil-Clinton to Dixon of 228.4 miles, shown in the upper table on page 548, the $1.74 rate from Brazil-Clinton to Dixon would have been shown to be 72 percent of the Holmes & Hallowell scale in lieu of 66.5 percent.

The same error was made in comparing the rate from Brazil-Clinton to Freeport with the rates from southern Illinois to Free-

port and Rockford. The report shows the southern Illinois rate to Freeport and Rockford to be 64 and 66 percent of the Holmes & Hallowell scale, determined by using the short rate making line distance of 337.9 miles to Freeport, and 328.7 miles to Rockford. However, in arriving at 67 percent for the rate from Brazil-Clinton to Freeport, the Commission used the average distance from the entire group shown in the lower table on page 546. The rate from Brazil-Clinton to Freeport would have been shown to be 72 percent instead of 67 percent had the Commission used the short rate making line distance of 258.6 miles shown in the upper table on page 548.

The report also fails to mention the fact that the rate from Brazil-Clinton to Rockford, based on the short rate making line distance of 226.5 miles, is 77 percent of the Holmes & Hallowell scale, compared with 66 percent from southern Illinois to Rockford.

What the Commission actually did was to use the short rate making line distance from southern Illinois, and the average
154 distance from all the mines in the Indiana origin group, and, based on those comparisons, made the following finding:

"The assailed rates to Rockford, Freeport, and Dixon should not be found to be unlawful under section 13 of the act until and unless the interstate rates from Indiana groups to the same destinations are increased to a level more nearly commensurate with the general level of the rates on coal to this territory."

In the report in 23130, there was no comparison made with the other Indiana groups, of the percentages of the scale, at this point of the report; it was confined largely to the Brazil-Clinton comparison with Dixon, and Brazil-Clinton with Freeport, no reference being made to the comparison, Brazil-Clinton with Rockford. The short rate-making line from the Brazil-Clinton or the Linton-Sullivan group would make a lower distance to these points than the average distance from either one of those groups. The short rate-making line distance from either of those groups obviously would be less than the average distance from the entire group. That is true of southern Illinois, the short rate-making line distance shown in the table at page 548 is considerably less than the average distance from the entire southern Illinois group. I mean to infer that there were lower distances shown in 23130 than the distances that the Commission used, from these Indiana groups—absolutely. I think my statement has made it very clear that, as far as Indiana is concerned, you took the average—the Commission took the average from the group, and for southern Illinois, it took the distance over the line of the Illinois Central Railroad from southern Illinois to Rockford, Freeport, and Dixon. All I am trying to do is to point out, had you used the short rate-making line distance from Brazil-Clinton as you did from southern Illinois, the percentage—the Indiana rates—would be shown to be considerably higher than southern Illinois.

155 The short line of the Illinois Central from southern Illinois to Rockford is over its own line to Mendota, and then it

uses the rails of the Milwaukee from Mendota to Rockford; or, direct to Freeport, and thence over its own line east for 28 miles, would result in a longer distance than via the Mendota route. In the table of mileages shown on page 548 of the report, the short line distances shown there, both from Illinois and from Indiana, are the short-line distances from those various groups. The objection I have is that when the comparison is made, using the percentages of the Holmes & Hallowell scale, they used those distances from the Illinois groups, but used other distances from the Indiana groups.

"Q. (By Exam. TREZISE.) May I ask you about that report at page 568, where the distance is shown from the Brazil-Clinton group to Rockford, Illinois. The lowest possible distance shown there in that record was 244 miles. You call that the average distance?

"A. It is shown in this—just let me, for the purpose of the record, say this, and then I will try and answer your question. I am reading now from page 547 of the report.

"These varying distances serve to emphasize the difficulty in arriving at the proper distances to be used for purposes of comparison. One of the best comparisons of record is an exhibit from which the following statement is prepared, setting forth the short rate-making routes, with distances, from a number of actual operating points in southern Illinois, in comparison with the same information from Indiana mines." Then follows the table at the top of page 548, which contains the distances on which the Commission arrived at 64 percent and 66 percent of the Holmes & Hallowell scale for the southern Illinois rates. In the same scale—in the same table is
156 the short-line distance of 226.5 miles from the Brazil-Clinton group—which, by the way, was not used in determining the percentage of the Brazil-Clinton rates is of the Holmes & Hallowell scale.

In that connection the statement on page 568, that the mileages shown on 568 were the lowest mileages appearing in the record, is inconsistent with the table appearing on page 548. Asking if those 80 billing points from southern Illinois have any bearing: I do not think it has any bearing, because the distance of 328.7 miles is the distance from the mines on the Illinois Central Railroad in southern Illinois, and obviously, there are not 80 billing points on that one railroad. Just how it happened to creep in there, I do not know. It is just one of those things that gets into a case, when it is made up. I do not think it has any bearing on the mileages shown in that table. The percentages I have just stated in my evidence for the average distance, that appear in the report in 23130 are the percentages applied to the average distances from the Indiana groups appearing in Wildman's exhibit no. 335 in that case. The point we are trying to make is that apparently, in comparing the southern Illinois and Indiana rates, by the use of the Holmes & Hallowell scale—whether that is a proper yardstick or not—they did not compare, that is the Commission did not compare like things. They used the dis-

tance of the Illinois Central from southern Illinois to Rockford, and the average distance from all of the mines in Indiana, which included the distance from mines on the Chicago, Milwaukee, St. Paul & Pacific, the Chicago & Eastern Illinois, the Baltimore & Ohio, the Cleveland, Cincinnati, Chicago & St. Louis, and the Pennsylvania, some of which are circuitous routes.

Now, if the Commission is going to use the short rate-making line distances from southern Illinois, to be absolutely fair with Indiana, they ought to use the same kind of yardstick. If the
157 percentages had been constructed on the average distances from southern Illinois, they would have been much lower percentages of the Holmes & Hallowell scale than those shown in the report, and obviously so. That appears in some of my exhibits here. I have prepared an exhibit in this case that may clarify the situation on that. For the purpose of showing the correct relative percents of the Holmes & Hallowell scale, Brazil-Clinton and Linton-Sullivan versus southern Illinois, and the rates that would result from the application to the Indiana distances of the southern Illinois percents of the Holmes & Hallowell scale, I offer exhibit no. 20.

The mileages included in columns 5 to 7 are those shown in the table at the top of page 548 of the report in docket 23130, which distances, as previously stated, were taken from Wildman's exhibit no. 335. As shown in columns 8 and 9, the Indiana rates yield a higher percent of the Holmes & Hallowell scale than the rates from southern Illinois. By using the southern Illinois percents the Brazil-Clinton and Linton-Sullivan rates to Rockford would be $1.59 and $1.80, and to Freeport $1.70 and $1.90, the average to both stations being $1.63 and $1.79. The latter result compares very favorably with that shown in exhibit no. 18, which exhibit shows the average for Rockford and Freeport to $1.62 from Brazil-Clinton and $1.76 from Linton-Sullivan.

As reference has been made to Wildman's exhibit no. 335, I have reproduced from that exhibit the distance shown therein from Brazil-Clinton, Linton-Sullivan, central Illinois, and southern Illinois, to Rockford and Freeport, and submit same as my exhibit no. 21.

As pointed out earlier in my testimony, prior to the reductions from the Illinois mines to Rockford and Freeport, the Brazil-Clinton rate was 30 cents under southern Illinois and the same
158 as central Illinois. This is the basis that generally obtains in southern Wisconsin, as disclosed by my next exhibit, no. 22, which includes rates, distances, and differentials to seven points in that State. Distances shown are the average of the short-tariff routes.

The differentials, Brazil-Clinton under southern Illinois to Wisconsin, are 30 to 35 cents, according to the destination. To that part of Wisconsin located on and east of the Minneapolis, St. Paul & Sault Ste. Marie from the Illinois-Wisconsin line to Fond du Lac,

thence on and east of a line through Oshkosh, Appleton, and Green Bay, and thence over the line of the Milwaukee to Ontonagon, Michigan, the differential, Brazil-Clinton under southern Illinois, is 35 cents; to points west of the foregoing line the differential in 30 cents. The rates from Linton-Sullivan to both sections of Wisconsin are 10 cents per ton higher than Brazil-Clinton.

Under the average distances to the seven points, Brazil-Clinton is 127 miles less than southern Illinois, for an average difference in rate of 32 cents. Compared with central Illinois, the difference is 8 miles in favor of Brazil-Clinton, for a difference in rate of 2 cents.

The distance, central Illinois under southern Illinois, is 119 miles, for which the differential is 30 cents per ton. As shown in exhibit no. 13, the average distance from the Milwaukee mines in the Brazil-Clinton group to Rockford and Freeport is 130 miles less than the average distance from the southern Illinois mines, or substantially the same as the difference of 127 miles between Brazil-Clinton and southern Illinois to the seven Wisconsin points.

The differential distance, Linton-Sullivan under southern Illinois, to the seven points, is 95 miles, and the difference in rates is 22 cents. From the Milwaukee Linton-Sullivan mines to Rockford and Freeport the distance is 86 miles less than the average of
159 the entire southern Illinois group, or substantially the same as those shown for the seven Wisconsin points.

The distance, Linton-Sullivan over central Illinois, to the seven Wisconsin points is 24 miles, for a difference in rate of 8 cents in favor of central Illinois.

We are of the opinion that the Wisconsin differentials of 30 and 20 cents should be used in fixing the rates from Brazil-Clinton and Linton-Sullivan to Rockford. This will necessitate widening the differential between Brazil-Clinton and Linton-Sullivan to 10 cents in lieu of the present difference of 5 cents. If that were done, the application of the Wisconsin differentials would result in rates of $1.70 from Brazil-Clinton and $1.80 from Linton-Sullivan. That is based on the $1.70 rate from Brazil-Clinton becoming effective. The basic data for mileages and rates to the seven Wisconsin points shown on the last exhibit are included in my next exhibit, no. 23.

Throughout my testimony I introduced a number of exhibits in which rates are constructed from Brazil-Clinton and Linton-Sullivan to Rockford, Freeport, and intermediate points, based on the percentage relationship of the southern and central Illinois rates to those in the 23992 and Holmes & Hallowell scales.

My next exhibit, no. 24, is a recapitulation which shows the average of all the contracted Indiana rates.

To Rockford the average of the constructed rates thus developed are: $1.69 and $1.60 from Brazil-Clinton and $1.76 and $1.76 from Linton-Sullivan; to Freeport, $1.76 and $1.71 from Brazil-Clinton and $1.88 and $1.88 from Linton-Sullivan; and to a combination of Rockford and Freeport, $1.72 and $1.64 from Brazil-Clinton, and

$1.81 and $1.80 from Linton-Sullivan. The average to both
160 points under the two scales would be $1.68 from Brazil-Clinton and $1.80 from Linton-Sullivan. The latter are substantially the same as the rates that would obtain if the Indiana rates were fixed 30 and 20 cents per ton under southern Illinois as they are to southern Wisconsin.

For the purpose of arriving at a grand average of the various mileages from Brazil-Clinton, Linton-Sullivan, and southern Illinois, shown in the several preceding exhibits, I have set out in my next exhibit, no. 25, the distances shown in such previous exhibits. The result is a grand average distance of 254 miles from Brazil-Clinton, 294 from Linton-Sullivan, and 354 miles from southern Illinois. These grand average distances result in spreads in distances under southern Illinois of 100 miles from Brazil-Clinton and 60 miles from Linton-Sullivan. The mileages shown in this exhibit are predicated on the combined average distance to Rockford and Freeport shown in each of the individual exhibits listed in the left-hand column. These spreads in distance will be used in connection with my next exhibit.

For the purpose of developing average differentials for distances of 60 and 100 miles, shown in the preceding exhibit, I have set out in my next exhibit, no. 26, differentials per ton which result from rates fixed or approved by the Commission from Illinois and Indiana mines to East St. Louis and Chicago in the decisions listed under columns 6 and 7.

The first panel of the exhibit includes differences in distance ranging from 50 to 70 miles, that is for a spread 10 miles below and 10 miles above 60 miles, and the average differential is 18 cents. This difference in distance is identical with the difference in distance, Linton-Sullivan under southern Illinois, shown in the preceding exhibit, for which difference in distance we are proposing a differential of 20 cents.

161 The second panel of the exhibit includes differences in distance ranging from 83 to 120 miles, that is, a spread 20 miles below and 20 miles above 100 miles. The result is an average spread in distance of 103 miles, and an average differential of 33 cents. This difference in distance is comparable with the spread of 100 miles, Brazil-Clinton under southern Illinois, shown in the preceding exhibit, for which difference we are proposing a differential of 30 cents per ton.

The average of the 20- and 30-cent differentials proposed from Brazil-Clinton and Linton-Sullivan is 25 cents; the average of the 18- and 33-cent differentials shown in this exhibit is 25.5 cents, or within .5 cent of the average of the differentials proposed from Brazil-Clinton and Linton-Sullivan.

That concludes my statement.

(Intervener's exhibits 7 to 26, inclusive, Witness Waffle, received in evidence.) (Tes. 76–91.)

CROSS-EXAMINATION

I want to correct your statement that I have based most of my comparisons on southern Illinois. If you will look back at the exhibits, you will find that I have used central Illinois in a number of exhibits. In my testimony I did stress southern Illinois and perhaps central Illinois more than Springfield, because that was the situation that was stressed in 23130. As to whether I think the Springfield group should also be taken into consideration: It might be. I rather think less emphasis should be placed upon the Springfield group than upon southern Illinois and central Illinois, because southern Illinois is recognized as the base group in Illinois, from which the rates are constructed; and then without any regard to spread in distance or anything else, Springfield rides right
162 along on 30 cents per ton less. I said in my opinion the proposed rates could be justified from all points in the Brazil-Clinton, and Linton-Sullivan groups, as well as from points on the Milwaukee Railroad. Therefore, I think I would advocate the extension of the proposed rates to those points. I think that perhaps some change should be made in the differential between Brazil-Clinton and Linton-Sullivan groups. On direct examination, I did not advocate the extension of the proposed rates to the additional points in the two Indiana groups. I said the proposed rates could be justified from the Brazil-Clinton and the Linton-Sullivan groups. Those are the rates I am talking about. Aside from the change in that differential, I think that the existing differentials between the various Indiana groups to Rockford and Freeport should be maintained. In answer to your question as to whether the rates from the other Indiana groups to Rockford and Freeport should also be reduced: It should be borne in mind that you cannot determine the relationship of rates between competing groups based on distance to one or two single destinations. The rates from Indiana to a large sweep of territory are 30 cents, 20 cents, 13 cents, and 10 cents per ton less than southern Illinois.

Now, in order to get a true picture of that, you have to take in the whole sweep of territory rather than to pick out one point like Rockford, or Beloit, or Freeport. That question is now before the Commission, so far as Wisconsin, Iowa, and Minnesota territory is concerned, and eventually will be determined, to the satisfaction or dissatisfaction of someone. All cases end that way, someone is always disappointed.

Referring to my exhibits 16 and 17: In figuring my direct single-line routes from the Brazil-Clinton district and the Sullivan-Linton district, and from central Illinois, I have used the
163 Illinois Central from central Illinois, and arrived at a mileage of 235 miles. In no. 17, in figuring, making the same comparison from southern Illinois, I used the Illinois Central via Mendota, and the Milwaukee, and arrived at 327 miles. Asking if I used

the same method in figuring the mileage from central Illinois, I would have arrived at a very much lower figure than 235, in other words, 198 miles: The exhibits very plainly speak for themselves, as to what the distances would be over the direct line or over the shortest route.

"Q. Will you please answer the question, Mr. Waffle. Had you used exactly the same method—the same mileage, Mendota—the Illinois Central, Mendota, and the Milwaukee Railroad from central Illinois, you would have arrived at 198 miles instead of 235 miles, would you not?

"A. I did not intend to arrive at that, Mr. Cardy.

"Q. All right.

"A. (Continuing.) In exhibit no. 16. The exhibit is designed to show the distance over the line of the Milwaukee Railroad direct, that publishes the suspended rates, compared with the distance over the direct line from central Illinois to Rockford and Freeport. I am there comparing like things, a single-line haul entirely over the Milwaukee Railroad with a single-line haul from the central Illinois field.

"Q. I know; but in your exhibit no. 17 you are comparing single line with joint line.

"A. There I am comparing the short rate-making line distance.

"Q. And in your exhibit no. 16 you are comparing single line with single line.

"A. Yes, sir.

164 "Q. All right. Now, had you compared single line with joint line like you do in exhibit 17, you would have had a different showing, would you not?

"A. Well, you can get most any kind of showing——

"A. All right.

"A. (continuing). If you will just pick out something that suits your purpose."

In my exhibits, in comparing the level of rates, regardless of distance or regardless of from what point of origin the rates may apply, I have tested their relativity largely by a constant percentage of the Holmes & Hallowell scale and a constant percentage of the so-called Indiana scale. Personally, I do not think that the percentage of the scale is an accurate test, but inasmuch as it has been adopted by the Commission—it was in 23130—as the yardstick for measuring the Illinois-Indiana rates, I thought it was about time that we used it in this case. As to what other method I would use to test the level of rates in this territory: You can test them on ton-mile earnings, and on car-mile earnings. Had I applied that method of testing the relative level of the Illinois and the Indiana scales and applied that clear down to Evansville, through the Indiana groups, I would probably have had a very much higher level of rates from the southern Indiana groups. And you take the same percentage the Indiana rates are of the Holmes & Hallowell scale, and apply that

from southern Illinois, and you measurably increase the southern Illinois rate, and you measurably increase the western Kentucky rate, and you measurably increase the central Illinois rate from Fulton-Peoria, and from Wilmington direct. That is obvious.

It is not my position that the shortest tariff route should be the rate-making route. I stand on the proposition that the average distance from the entire group—that is, the average of the short tariff routes—should measure the average distance for all of the mines that take a common rate. You might eliminate a long, circuitous route in some cases, out of the group; that was done in reference to the rates from southern Illinois to Chicago. I think the logical way to do it is to take the short tariff route distance from the mines on each road, and compare those to get the shortest tariff workable route, and the way the Commission has done it from time immemorial, up until we reached this 13130 decision.

Turning to exhibit 14: In columns 5 and 6, to Rockford, for example, I have used the short tariff route of the Milwaukee Railroad from the Brazil-Clinton and the Linton-Sullivan district, and from central Illinois, as is shown in column 7 I have used the short tariff routes of all of the roads.

There I have not compared like with like to this extent: The distances shown in columns 5 and 6 apply over the route via which the suspended rates apply. Now, then, from central Illinois you have a common rate of $1.70, and it applies for the average distance, shown in column 7. I might say I have tried to put this picture up in as many ways as I possibly could. I have not confined my showing to that one exhibit. Later I have an exhibit which shows the average from all mines in the Brazil-Clinton and Linton-Sullivan groups. If I had used the shortest tariff route from central Illinois as I have done from Brazil-Clinton and Linton-Sullivan, instead of a mileage of 245 miles to Rockford, as I show in column 7, I would show 199 miles, which would be the distance from a handful of mines on the Illinois Central operating to Mendota, and thence using the rails of the railroad that publishes the suspended rates.

"Q. All right. Now, then, if you had used 199 miles in column 7 to Rockford, you would have obtained in column 10 a percentage from central Illinois of 94.4 instead of 85, would you not?

"A. It would be higher than what I have shown. I do not know what it is; I will take your word for it.

"Q. And in column 13 you would have gotten a percentage of 77.6, instead of 67, would you not?

"A. I do not know what it is; but, as I say, I will take your word for it.

"Q. And so in all of the columns—it would make in columns 14 and 15, to Rockford, a rate of $1.88 from Brazil-Clinton instead of $1.69, as you have shown, and $2.03 from Linton-Sullivan, instead of $1.76; is that not correct?

"A. Well, I have not computed it.

"Q. And if you had carried that all the way through, you would have gotten an average of columns 14 and 16, in column 18, of $1.90 instead of $1.68, as you show it, and $2.70 instead of $1.80, as you have shown in column 19; is that correct?

"A. I would not accept—no; I will not say that is correct. I would want to figure it myself before I would say that."

I absolutely did compare like with like, because the rate of $1.70 under suspension applies only over the route of the Milwaukee. It is my position that it should apply from all of the mines; I hope eventually it will. As to whether, if I had based my exhibit on such a basis as that, I would have obtained altogether different percentages and results than I did obtain: In that case, perhaps the comparison ought to be on the average from all of the mines in the Brazil-Clinton and Linton-Sullivan districts, with the average from all of the mines in central Illinois; but I do not think this case should swing entirely on Springfield.

"Q. Well, if you had done the same on exhibit 13, covering southern Illinois, you would have had the same result; would you not?

"A. I have covered it in there somewhere. You can find it in the exhibit there—exhibit 18." (Tes. 92–104.)

167 The only rates involved in this proceeding are the rates published by the Milwaukee from its mines to these destinations. In exhibits 7 to 16, inclusive, I have dealt with that situation and purport to deal only with these rates. In some of my later exhibits I deal with the entire situation. Up to that point, I deal only with the rates that are involved here.

When I spoke of the line of the Illinois Central from central Illinois to Mendota, thence to Rockford via the Milwaukee, I did not mean that the Illinois Central uses the rails of the Milwaukee from Mendota in a physical way; I mean the route. I do not want the record to show that the Illinois Central operates over that line from Mendota. And I want to say that the Central Illinois rate of $1.70 applies via the Illinois Central to Mendota, and thence over the line of the Milwaukee. But I doubt very much whether the Milwaukee hauls any of that coal. They would take it over their own line to Freeport, then 28 miles east on the main line to Rockford.

Asking whether, when I said that in 23130 was one instance where the Commission prescribed rates over the short tariff route and that I do not favor that plan, in what respect they prescribed rates over the short tariff route in 23130: It was not only up to 130 miles. I think if you would examine the report very closely, you will find, for example, where you actually fixed rates to Rock Island and Moline, where the short rate-making line distance was used. As I recall it, we made a very careful analysis of it afterwards to find out if we could what mileages were used. There was a maze of mileages in the report; and I think you and I both agreed one time in a conversation in Washington, that there were a lot of mileages there. The Interstate Commerce Commission did not fix any rate

to Rockford or Freeport. What you did, though, was to com-
168 pare the relativity of Indiana and southern Illinois rates, using one method for Illinois, and then an entirely different method for Indiana.

"Q. Well, I am just trying to get at the point, as to where you are going to get if you take an average distance for the short tariff route from these mines, not over 130 miles. If you undertook to give an alternative, as the Commission did in that case, by applying the group rate, the average distance, or applying the point to point rate, why, then, all the longer distance points would have to go out of business.

"A. I agree that under 130 miles, it is a complicated situation to determine differentials, or what method to use in figuring mileages.

"Q. Well then, your remark that you are not in favor of fixing average distances from these groups as the method of making rates, did that apply to all distances?

"A. Oh, I presume they were talking about the long haul distances——

"Q. Long haul distances?

"A. Yes.

"Q. All right. The Commission did not say anything in 23130 about the fact that rates to the Tri-Cities were fixed on the short tariff route, did it?

"A. You did not say it, but if you figure it out, you will find that that is the way it was done.

"Exam. TREZISE. All right.

"A. (Continuing.) Maybe I am wrong, but I do not think I am."

When I used the phrase "short tariff routes" and "average distance via short tariff routes", I meant short tariff routes of every carrier serving the mines in a given group. That is, for example, the
169 Illinois Central in this connection as the shortest line from Central or Southern Illinois to Rockford. Now I say rates should not be made on that one railroad line's distance. It should absolutely be the average of the entire group of all of the railroads serving that group, because we have a situation in Indiana; in the Princeton-Ayrshire group we have one line, the Baltimore & Ohio Railroad, which is the shortest out of the group. Now if you took the distance from that one mine to fix the rates from the Princeton-Ayrshire group, you would be using a mileage that was not representative of the entire group. On that same theory, it would not be necessarily wrong in principle to predicate the rates from the Indiana mines to Rockford and Freeport, based only on the distance via the Milwaukee Railroad, from mines on the Milwaukee. I am willing to take a chance on the average of the group.

As to why I suggested an increase in the differential as between Brazil-Clinton and Sullivan-Linton: Well, the standard differential to Chicago, and practically all of the territory is 10 cents per ton

between Brazil-Clinton and Linton-Sullivan. I think that is a reasonable differential. It was found reasonable in the Monon Coal Company case. It just happens that way at Rockford, because as stated by Mr. Averitt, there was an agreement among the Illinois and Indiana Railroads some years ago that the Springfield rate would be held as the minimum from Brazil-Clinton to Joliet, Aurora, and Rockford. I thought I made it clear, in winding up, that the rate from Brazil-Clinton should be $1.70, and from Linton-Sullivan, $1.80. Maybe Mr. Averitt does not agree with me on that, but if he does not, it is an honest difference of opinion. The loss of the movement of coal from the Brazil-Clinton district, which is the shorter haul point, had nothing to do with my arrival at that conclusion.

170 Answering what effect the establishment of the rates proposed would have on the rates from Indiana territory to other points in Illinois: I do not think it would result in any reduction in the rates from Illinois into Indiana. As to the other destinations in Illinois than these northern Illinois points, in territories to which the 23922 scale does not apply, and asking if the change would have any effect, in my opinion, on that territory: Well, the only effect it might have would be to reduce the rates to the intermediate points. I think I have clearly shown that our rates to DeKalb and our rates to Elgin are entirely out of line. I think even the present rates of the Milwaukee Railroad are far out of line with the rates from southern Illinois to those points. I think the unfortunate thing in 23130 was that you had three destinations in there, instead of taking in the whole sweep of northern Illinois.

Now, where you do that, you get an entirely different relative mileage picture, Illinois versus Indiana, than you get by tying it up to one or two points. I pointed out in 23130 that our mileages were inflated to Dixon because our good friend the Illinois Central would not open up a route to Dixon on Indiana coal—and that sort of thing. There are a good many factors that enter into the situation. It is just unfortunate that the investigation did not cover a larger sweep of territory in northern Illinois. I will say this now, however, that it will not be very long before we will have that question before the Commission. We want to clear it up, to get it cleared up. We are going to ask our railroad friends to put our rates into northern Illinois, where they are out of line, on the proper basis. This basis that is proposed is not a low basis compared with ——. Relatively it is not a low basis. Mr. Averitt said they were all low. He is chronically a high-rate man, anyway. We are inter-

171 ested in a proper relationship with the rates from southern Illinois; that is our competition. If a rate of $1.90 is a proper rate to DeKalb, certainly a rate of $1.87 is not a proper rate from Brazil-Clinton. What I meant was that the rates from Indiana should be reduced; that is what I refer to as a proper basis; if the

whole level of rates is wrong, that is a matter that ought to be straightened out in some other sort of a proceeding.

As to what other factor, outside of the mere difference in distance I have taken into consideration in justifying the reasonableness of the proposed rates, reasonableness per se: I am not trying to justify that here. All other things being equal, I think mileage ought to be an important factor.

"Q. (By Mr. WILDMAN.) Mr. Waffle, would you object to a restoration of the relationship, Brazil-Clinton and Linton-Sullivan, on the one hand, and southern Illinois, on the other hand, as it existed prior to the time that relationship was disrupted under Ex parte 74?

"A. No, sir; I would want it restored to the basis prior to the reductions made—required by the Illinois Commerce Commission.

"Q. It makes a difference where you start out restoring the basis, does it not?

"A. I do not know what you are talking about. You have got some figure in your head that I have not got, and I am not going to answer that kind of a question."

I am not basing my case entirely upon southern Illinois. I think, if you are going to do a good job, you ought to go down and take in Belleville, and DuQuoin, and Centralia, and all the other Illinois groups—they are all related; they are all in one pot.

172 As long as that is going to be used as the yardstick for measuring relativity of rates, I believe the same percentage of the Holmes & Hallowell scale should apply from Brazil-Clinton as applies from southern Illinois. As to whether there should be no allowance made for the difference in distance, but one percentage should maintain, regardless of the distance: Well, distance is not the controlling factor. You have got to remember that in making rates on a natural resource, that must be produced where God Almighty laid it down. You cannot observe mileage. There are competitive conditions that must be taken into consideration in making the rates on coal. There is absolutely no consistency in the coal differentials. Go down through the volumes of the Interstate Commerce Commission, and you can find anything you want; you can get a 15-cent differential for 215 miles. There is no consistency in them. I do not believe anybody knows the real science of figuring out what a differential should be. I have never found it, at least.

"Q. Then, in spite of all of these distances, and all of these percentages that you have in your exhibits, that you have just introduced, we really should forget about those——

"A. No; you should not forget about them.

"Q. And use some other method?

"A. I have submitted the record here for the benefit of the Commission" (tes. 104–114).

This closed the case on behalf of the respondent (tes. 115).

173 W. M. SEABERG, coal salesman for the Old Ben Coal Corporation, with residence at Rockford, Ill., testified:

The Old Ben Coal Corporation operates mines in Franklin County, in southern Illinois. The destination territory under my jurisdiction includes Rockford, Freeport, and surrounding territory, and southern Wisconsin. I have been selling Old Ben Coal in Rockford almost five years, and feel I am fairly familiar with the competitive situation there, that is as between the various coals. Practically every kind of coals are sold in Rockford and Freeport. There is southern Illinois coal sold in Rockford and Freeport; there is central Illinois coal sold in Rockford and Freeport; there is some coal from the smaller producing districts in Illinois, such as DuQuoin, and northern Illinois; there is coal from the Brazil-Clinton and Linton-Sullivan districts in Indiana; from Princeton, Indiana; from the Boonville district in Indiana, and there is coal sold there from western Kentucky. There is eastern coal sold there. There is also the competition between coal and coke at those points. During the past four years, the sale of coal from southern Illinois to Rockford has materially decreased. I can give some figures prepared by the Illinois Coal Bureau, indicating the movement of coal in cars from the southern Illinois district to DeKalb, Freeport, and Rockford; DeKalb, 1929, 275 cars; 1930, 168 cars; 1931, 132 cars; 1932, 111 cars. Freeport, Illinois; 1929, 886 cars; 1930, 588 cars; 1931, 558 cars; and in 1932, 396 cars. Rockville, Illinois, 1929, 4,549 cars; 1930, 2,575 cars; 1931, 2,179 cars, and 1932, 834 cars. These figures represent the total number of cars of all sizes of coal shipped from 95 percent—from mines representing about 95 percent of the production in the southern Illinois quality field. Coal from southern
174 Illinois competes with Indiana coal, both northern Indiana coal and southern Indiana coal, for all purposes in Rockford and Freeport. That is for steam purposes as well as for domestic purposes. To state from my experience in selling coal from Indiana, the extent to which Indiana coal has increased or decreased in Rockford and Freeport, in the last four years: Of course, in the last three or four years there has been a decrease in all kinds of coal moving into both Rockford and Freeport. But the decrease in southern Illinois coal has been a great deal larger than the decrease in the Indiana coals. There has been a substantial decrease in the tonnage from southern Illinois; even since the rate was reduced 17 cents per ton, although no corresponding reduction was made from the Indiana mines.

One big piece of business in Rockford is the power plant at that point. Indiana has always shipped a substantial amount of coal to that power plant. I have it from pretty good authority that 70,000 tons were shipped to that power plant from Indiana in 1929. The authority is the Rockford Manufacturers and Shippers Association. The utility plant at Rockford does not take as much coal at the present time as it did in 1929; they are not producing the power there any more; they are getting it over the high line from Waukegan. Leaving out of consideration the tonnage moving from

Indiana to the power company, I would say that the shipments of coal from Indiana to Rockford have increased during the past four years. Indiana has taken business away from southern Illinois in the last two years, since the rate from southern Illinois was reduced by 17 cents per ton. To give reference to the companies that have switched to Indiana coal say since August 20th, 1930, when the rate was reduced by 17 cents: The Stover Manufacturing
175 Company, of Freeport. To take each individual company I will refer to and say whether they have switched to northern Indiana or southern Indiana coal: That is northern Indiana coal. The tonnage that is involved there depends upon conditions. Under normal conditions, assuming the present conditions are not normal, from 3,000 to 5,000 tons per annum. The Rockford Hosiery Company, Rockford; I am not certain whether that is northern or southern Indiana coal. There are 8,000 to 10,000 tons involved there. I think I can recollect another particular industry: the Burson Knitting Company at Rockford, 4,000 tons to 5,000 tons, annually. I believe they burn both northern and southern Indiana coal. With respect to the situation at the retail yards: There is more Indiana coal and less southern Illinois coal being purchased by the retailers. Based upon my familiarity with the competitive situation at Rockford, I would say, in the event the 17-cent reduction is permitted to go into effect from mines in the Brazil-Clinton and Linton-Sullivan districts, it will take tonnage away from southern Illinois and put it into Indiana. I think it would be a substantial amount. And in the event that the 17-cent reduction were spread to southern Indiana groups, it would again displace still additional tonnage now coming from southern Illinois, considerable. As to whether or not coal originating on the Milwaukee road in Indiana sells at a lower price than coal originating at mines on other railroads located in northern Indiana fields: Very seldom we run into any other coal moving out of northern Indiana, that does not come over the Milwaukee railroad. I cannot recall any specific instance where it was off of the Milwaukee railroad.

"Q. Now, I did not want to interrupt you in connection with these plants that have switched to Indiana coal. Have you finished, or are there any other plants that you know of, that have switched from Illinois coal, southern Illinois coal to Indiana coal, in
176 the last two or three years? (tes. 114–125).

"A. Most of these plants that I have in mind have switched to southern Indiana coal.

"Q. The rest have switched to southern Indiana coal?

"A. Yes, sir."

In addition to those that I have given, there have been several other plants that I know definitely have gone to southern Indiana coal since the rates from southern Illinois were reduced 17 cents per ton; that is, since August 1930.

I wish to add to my testimony only the general picture, that Indiana coal, as a rule, carrying a cheaper freight rate, that has been quite an inducement to dealers getting away from the steam trade, and getting right to the domestic dealer trade, because even a slight differential of 17 cents means quite a lot of difference to a retailer. And if that reduction at Rockford, for instance, is put into effect, it is going to swing a lot of tonnage that is now enjoyed by southern Illinois over to the northern Indiana group. I know of plants that have switched from Indiana coal over to southern Illinois coal since the southern Illinois rate was reduced 17 cents; one specific plant at Rockford, the Rockford Fibre Container Company, runs 18,000 to 20,000 tons. They are not consuming quite that much coal now.

CROSS-EXAMINATION

The Rockford Fibre Container Company is about the only plant in that list I have definite knowledge of that switched from Indiana coal to southern Illinois coal.

I referred to the southern Illinois quality field. As to whether that is something other and different than the southern Illinois
177 field: The salesmen class Franklin County, Saline County, and Williamson County, as the quality group in southern Illinois. That is commonly called the quality circle coal and sells at a little higher price at the mines than other coal. That price has been pretty well maintained during this period of stress, although considerably cheaper than it was four years ago. The present circular price on quality circle coal, on lump coal, is $2.25 per ton, f. o. b. mine. It is pretty hard to say that the average price of northern Indiana lump coal is about $1.50 per ton, because we run into all kinds of prices on northern Indiana coal; I do not think that I could arrive at an average. I do not think that taking away any business from the retail yards might be on just a question of mine price. The Indiana price competition that I have run up against on lump coal, for delivery in this territory is anywhere from $1.40 up, or as much as they can get. In competition with the southern Illinois quality circle coal it might be $2.25. It has been as high as $2.40 while our price was $2.25.

I gave a statement of deliveries in Rockford, Freeport, and DeKalb, for a period of years. During 1932 the southern Illinois mines were all down with a strike for five months and that had some effect upon the quantity of coal that was delivered in this territory.

"Q. Do you know the total consumption of coal in Rockford, Freeport, and DeKalb in 1929 as compared to 1931, for example—all coals?

"Mr. WILDMAN. Do you include eastern coal in your question?

"Mr. WILKINSON. Yes, sir; eastern coal, all kinds of coal.

"A. No; not including eastern coal.

"Q. (By Mr. WILKINSON). Well, do you know for Illinois, Indiana, and western Kentucky?

"A. Yes."

178 The total coal to Rockford, alone, in 1929, was 454,448 tons; 1930, 371,985 tons; 1931, 276,957 tons; and 1932, 268,855 tons. That is the number of bituminous coal from mines in Illinois, Indiana, and western Kentucky, received at Rockford. I got those figures from the Rockford Manufacturers and Shippers Association. I do not know what northern Indiana coal company is shipping coal to the Stover Manufacturing Company at Freeport. As to how I know that it comes from northern Indiana: Because I have been told by the salesman who originally had the business on southern Illinois coal that it was Brazil coal. About the Rockford Midland Hosiery Company: I said I did not know where that coal comes from. I got my information that they had switched from southern Illinois coal to Indiana coal from the purchasing agent of the Rockford Hosiery Company. I got my information regarding the coal at the Burson Knitting Company from the same source; that is, the purchasing agent. I do not know how much of that coal comes from northern Indiana and how much from southern Indiana; I do not know the proportions.

"Q. You were told that it came from both?

"A. It comes from Indiana—yes, both fields.

"Q. Well, do you mean both fields, or——

"A. Either one.

"Q. There are four fields in Indiana you understand. Does it come from all four of those fields?

"A. No; not from all four of them. You see we do not classify the coals so much by fields in our work, as we do from districts. We call—well, coal from—as we have got it from the Princeton district, is Oakland City to us, or Pike County."

And the Brazil coal, we just classify as Brazil, and you

179 call it Brazil-Clinton, or Brazil-Linton, while we just call it Brazil. My understanding is that some is of the so-called Brazil coal, and some is Oakland City coal. I said that there is more northern Indiana coal being sold to retailers at these three cities since the reduction in the Illinois rates than before. I got my information on that from local retail dealers handling the coal. One of the retail dealers that told me that, was the H. A. Hilmer Company, of Freeport, Ill. As to where he is getting his Indiana coal from: He called it Brazil lump coal. I will give you an instance in DeKalb, Illinois, the DeKalb Ice Company. They are burning Brazil block or lump. The H. A. Hilmer Company, of Freeport are also buying washed stoker coal from northern Indiana—well, they call it central Illinois—or Central Indiana Coal Company, I believe. The Rockford Lumber & Fuel Company, at Rockford are also buying screenings, stoker coal. They have just switched over to handling that coal since 1930; they never handled it before.

The use of Springfield coal has increased from about 9,000 tons to about 22,000 tons at Rockford during the last few years. The 9,000 tons was in 1929. I can explain that simply by the fact that the last few years we have had a very difficult poor relief problem in Rockford, and the central Illinois coal was one of the cheapest coals they could get in there, to serve their poor relief (tes. 125–135). Practically all of their tonnage, domestic tonnage, in the last year or two of central Illinois coal has gone for poor relief, or coal to meet the needs of people who could not pay any more than that for it.

"Q. (By Mr. WILKINSON:) Your figures on the shipments to Rockford indicate that the Indiana shipments have decreased materially, 1929 as compared to 1932, with the exception of shipments from Princeton, which increased in 1932, while southern Illinois was shut down by a strike.

"A. No; that is not entirely correct. Brazil-Clinton in-
180 creased from 1929 to 1932."

The shipments from Brazil-Clinton in 1929 were 19,290 tons to Rockford; on the Linton-Sullivan 68,824 tons. My figures on the Linton-Sullivan for 1932 are 16,994; for Brazil-Linton, 27,276.

"Q. In 1929 was Brazil-Linton shipping coal to the power plant at Rockford?

"A. Not from those figures; no, sir."

My figures from Princeton for 1931 to Rockford were 66,733 tons and for 1932, 43,794 tons. Boonville, 1931, 35,827; and 1932, 1,888 tons. I believe the Indiana mines were operating all through 1932—the Princeton mines, although full time. They had no strike. I understand they were operating down there in the Princeton district in 1932, while the mines in southern Illinois were shut down.

"Mr. LEAHY. Mr. Seaberg, your figures are wrong for northern Indiana. Northern Indiana was operating part time in 1932, or was closed down by a strike—the mines up there.

"The WITNESS. I believe the majority of the operations were more or less curtailed, if not out on actual strike. The shaft mines in the Brazil-Clinton district and the Linton-Sullivan district were down practically during the same time the Illinois mines were, except those I imagine that worked on a cooperative basis.

"Mr. WILDMAN. That is what he said, that their production was curtailed in the northern Indiana district.

"Mr. CARDY. They were down."

I stated that the Rockford Fibre Container Company had switched from Indiana coal to southern Illinois coal subsequent to 1930. That company was for a great many years on southern Illinois coal, and it was on Indiana coal for just a year or two. It was put on Indiana coal for a year or two, because of the cheaper delivered price, taking the freight rate into consideration of course.
181 I believe the attitude of the Illinois railroads in connection with the proposed reduction from southern Illinois had something to do with that. I know that the relations between that con-

cern and the Illinois Central Railroad Company are very close. That is about all I do know about the railroad's connections. In other words, I ship them all of their coal over the Illinois Central Railroad. There may be some Indiana coal bought for charity purposes in Rockford; it is pretty hard to keep track of that. The real competition that we have to meet at Rockford is Indiana coal, and we only run into Springfield coal during a relief period, when they give it away. In answer to your question from what district is the principal competition with Indiana coal: It varies, in certain districts, but both the Boonville-Princeton and the northern district are our competition.

Mr. H. A. ROZENE, assistant to the traffic manager of the Illinois Coal Traffic Bureau, located at Chicago, testified:

I have been connected with the Illinois Coal Traffic Bureau for the past ten years, and for nine years previous to that, I was with the Illinois Central Railroad, in the traffic and operating departments. I am familiar in a general way with the coal rates structure throughout the country, and I am familiar with the issues involved in this case. The Illinois Coal Traffic Bureau is a voluntary association of coal producers having mines in the State of Illinois, most of the mines being located in the Centralia, DuQuoin, and southern Illinois groups.

The Illinois production from mines of its members last year was approximately 15,000.000 tons. Of course, in normal years, the production has been much greater.

I have prepared a series of exhibits which I desire to introduce in evidence in this case.

182 My exhibit no. 27 is a statement showing the distances to Rockford, Illinois, from southern Illinois, Brazil-Clinton. Linton-Sullivan, Princeton, and Boonville, Indiana, groups. Note that the distances have been computed by two methods. The first column shows the distance from all billing points on all lines via the short tariff routes.

As an illustration, take Benton, Illinois. Benton is served by the Chicago & Eastern Illinois, the Illinois Central, and the Missouri Pacific. Therefore the distance from Benton has been computed three times. This same method has been used from all other origin points served by more than one railroad. The second column of figures shown on this statement indicate the distance to Rockford from each billing point used but once. For instance, the distance from Benton has been here considered via the Illinois Central, Mendota, and the St. Paul Railroad only.

Page C is a recapitulation of all of the mileages shown on pages A, B, and C.

Via the short rate-making route, the distance from southern Illinois to Rockford is 328.2 miles. The average distance, that is, figuring the average of all short lines from the district, is 365 miles. The average, using each billing point but once, is 349 miles.

Page D is a similar statement showing the distances from the Clinton-Indiana district to Rockford, Illinois. Page E is a recapitulation showing the short tariff route to be 235 miles; the average of the short tariff routes to be 274.9 miles; and the average of the short tariff routes, using each billing point but once, is 272.7 miles

In answer to your question, what is what I term the short rate-making line from the Brazil-Clinton group to Rockford: (Tes.
183 135–144) via the short rate-making line, the distance is 229.8 miles, applying via the Milwaukee Railroad direct. The exhibit shows the distance from mines on the Milwaukee Railroad in the Brazil-Clinton group are somewhat less than the average distance from all mines in the Brazil-Clinton group.

Page F of this exhibit shows the distance from the Linton-Sullivan, Indiana district to Rockford. Page H is a recapitulation of those distances; the short tariff route from the Linton-Sullivan district to Rockford being 271.1 miles, the average of the short tariff routes being 294.5 miles, and the average, using each billing point but once, being 292.6 miles.

Pages I and J show the distance to Rockford from the Princeton, Indiana, district.

Page J shows the short tariff route distance to be 333.6 miles; the average of the short tariff routes is 368.4 miles; and the average using each billing point but once, is 368.1 miles.

Page K shows the distance from the Boonville District to Rockford. There is only one group, on the one railroad serving this group, and the average is 416.1 miles.

As to how I determine the billing points that I have used in this next exhibit, and in subsequent exhibits: I took the origin points shown in the tariffs, wherever there was a distance published from such origin points in the carriers' distance tables. I did not attempt to determine which might be termed live billing points, and which might be termed dead billing points, I had no way of getting at the actual figures on such a proposition.

My exhibit no. 28 is a similar exhibit, being a statement showing the distances from southern Illinois to Freeport, Illinois. Page C of the exhibit shows the average of the short tariff route distance to be 337.8 miles; the average of the short tariff routes to be 384 miles; and the average using each billing point but once, 367.8 miles.

184 Pages D and E show the distance from Clinton, Indiana, to Freeport. The short tariff route distance is 267.4 miles; the average using all billing points on all lines, is 309.3 miles; and the average using each billing point but once, is 307.3 miles.

Pages F and G show the distance to Freeport from the Linton-Sullivan, Indiana, district. The short tariff route distance is 298.5 miles; as shown on page H, the average of the short tariff routes is 329.6 miles; and the average using each billing point but once, is 328 miles.

Pages I and J show the distance from the Princeton, Indiana, district, to Freeport. The short tariff route distance is 356 miles. The average of the short tariff routes is 380.3 miles, and the average using each billing point but once, is 378.1 miles.

Page K shows the distance from Boonville, Indiana, to Freeport. The average distance from the mines in this district is 401.7 miles.

My exhibit no. 29 is a similar statement, showing the distances from southern Illinois and Indiana groups to DeKalb, Illinois.

Page C of the exhibit shows the short tariff distance from Southern Illinois, to be 310.8 miles. The average of the short distance tariff routes is 335.9 miles, and the average using each billing point but once, is 326.9 miles.

Page E shows the average short tariff route distance to be 198.2 mines; that is from the Clinton-Indiana district. I mean by that, that is the distance via the short rate making line. The average of the short tariff routes is 241 miles; the average using each billing point but once is 238.7 miles.

Page H shows the distance from the Linton-Sullivan district to DeKalb, Illinois. The short tariff route distance is 234.3 miles; the average of the short tariff routes is 262.2 miles; and the average using each billing point but once is 259.2 miles.

185 Page J shows the distance from the Princeton, Indiana, district to DeKalb. The short tariff route is 296.8 miles. The average of the short tariff routes is 322 miles; and the average of the short tariff routes using each billing point but once, is 321 miles.

Page K is a statement showing the distance from the Boonville, Indiana, district to DeKalb, Illinois. The distance is 359.5 miles.

Exhibit 30 is a recapitulation of the rates and distances as shown on the preceding exhibit. This exhibit also shows the difference in the present rates and distances over or under southern Illinois. The last column of figures on this exhibit shows the difference in distance, by computing the distances using each billing point but once. Note that the distance to Rockford from the Brazil district is 76 miles less than from southern Illinois; the present rate is 13 cents per ton under southern Illinois.

If the proposed rate of $1.70 per net ton is permitted to become effective, the difference in rate would be 30 cents per ton. The distance from the Linton district is 56 miles less than from southern Illinois, and the difference in the present rate is but 8 cents per ton. If the proposed rate is permitted to become effective, the difference would be 25 cents under southern Illinois. The present rate from the Princeton district is 1 cent less than from southern Illinois, although the distance from the Princeton group is 19 miles over southern Illinois. The present differential, Princeton over Brazil, is 12 cents per ton. If the proposed rates were permitted to become effective, and the present differential maintained, the Prince-

ton rate would be $1.82, or 18 cents lower than from southern Illinois, for a difference in distance of 19 miles greater.

The present rate from the Boonville district is 2 cents higher than from southern Illinois, although the difference in distance is 48 miles greater. If the suspended rates were to become
186 effective, and the present differential maintained, the Boonville rate would become 15 cents lower than the rate from southern Illinois. I need not go into detail about Freeport and DeKalb as the exhibit clearly shows that similar differences in the rates and distances prevail as at Rockford. In that exhibit, in the fourth from the last column under "Proposed rate", I show Princeton 18 cents under Rockford, and Boonville 15 cents over. That is not correct. The "over" should be "under." It should be "U" after the 15, and the same thing in the block covering Freeport. In this exhibit I have two columns, the second column headed "Proposed rate" from Princeton, $1.82 and from Boonville $1.85. As to where are these rates proposed, and who has proposed them: If you will read the reference mark at the bottom of the page it will explain that. It says "Reference mark" and "Number sign" there and then "Not actually published." Rates indicated are those that would apply were present differentials over Brazil-Clinton and Linton-Sullivan groups maintained." That is a correct statement. As to whether this $1.70 rate is not proposed from all of the Clinton or all of the Linton group: I naturally would assume, if you are publishing a rate from one mine in a group, it would apply from the entire group. I could not conceive of the idea of the Commission giving one certain mine in a group, a lower rate than the rest of the points in the same particular rate making group. I would just naturally assume that if the rates from Brazil-Clinton come down to 15 cents, or 10 cents, or even a nickel, or whatever the change may be, the rest of the group will come down or go up with them. There might be such an instance where there are many destinations to which the long haul rates in the so-called Indiana groups are not on a parity. I do not know of a specific instance offhand however.

187 "Q. (By Mr. WILDMAN.) Now, Mr. Rozene, before you proceed further, Mr. Waffle introduced exhibits indicating percentage relationships of the present proposed rates from northern Indiana groups to Rockford and Freeport, with the 23922 scale—I think it is called—contrasted with the percentage relationships of rates from Springfield and southern Illinois, to that scale.

"Have you made any computation to indicate the percentages that the present proposed rates bear to that [23922] scale, predicated on the distances set forth in Exhibits which you have already introduced, and based on the average distances from all points in the group using each billing point but once?

"A. Yes, sir, I have. Take for instance our exhibit number 30; the distances to Rockford under the column showing 'Average, each billing point used but once'—the distance here is 349 miles, and the present rate is $2. For the same distance under the scale proposed in 23922, the rate for this similar distance of 349 miles is $2.31, and this $2 rate is 87 percent of the rate proposed in 23922.

"From the Brazil-Clinton district the present rate is—or rather the present distance is 273 miles, and the present rate is $1.87. For the same distance under the scale, the rate would be $2.07, and the $1.87 rate is 90 percent of the rate proposed in the scale prescribed in 23922. The suspended rate of $1.70 would be 82 percent of the rate prescribed in 23922. Incidentally the rate in that scale would be $2.07 for a distance of 273 miles. The distance from the Linton district to Rockford is 293 miles, and the present rate is $1.92. Under the scale, the rate is $2.15, which is 89 percent of the rate as prescribed in 23922. The suspended rate is $1.75, which is 81 percent of the rate prescribed in 23922, the rate in 23922 for this distance being $2.15."

188 That column, shown on exhibit 30, where it says "Average each billing point used but once" is the average of all billing points in the respective groups; that is the average of each origin point as shown in the tariffs. It is the average of the short tariff routes, using each billing point once. That is to say, if Benton, for example, is shown in three different tariffs, in making this computation you have only taken the shortest tariff distance from Benton to Rockford. The distance from southern Illinois to Freeport is 368 miles, and the present rate is $2.00. The rate under the scale would be $2.39. The $2.00 rate is 84 percent of the rate as prescribed in 23922. The distance from Brazil to Freeport is 307 miles; the present rate is $1.87. The rate prescribed under 23922 is $2.23 for the same distance. The $1.87 rate is 84 percent of the rate prescribed in 23922, the same as southern Illinois. As to the percentage, the proposed rate is of the scale: The suspended rate is $1.75, which is 76 percent of the rate as prescribed in 23922. The distance from the Linton district to Freeport is 328 miles. The present rate is $1.92. The rate prescribed in 23922 is $2.31. The present $1.92 rate is 83 percent of the rate as prescribed in 23922. In other words, the present rates from southern Illinois to Rockford and Freeport are substantially the same percentage of the scale, the Indiana-Illinois scale, as are the present rates from the Brazil and Linton districts to Rockford and Freeport. Your percentages to Rockford are as follows: Southern Illinois, 87 percent; Brazil-Clinton, 90 percent; Linton, 89 percent; a difference of 3 percent at one point, from Brazil-Clinton; and 2 percent at Linton-Sullivan. From southern Illinois to Freeport, 84 percent; from Brazil-Clinton, 84 percent; and from Linton, 83 percent.

189 Exhibit 31 is a statement showing the commercial mines in southern Illinois, that produced coal in the year 1931, and

the distances from such mines to Rockford, Illinois. Page B shows the average distance computed in two different methods; one, using all points as shown on the statement; the average distance being 347.6 miles; and using each billing point but once, the distance is 345.3 miles. I have made computations on more or less of a weighted average to determine what the distance would be, but Rockford is the only point I took. It figures 340.67 miles. As to how I arrive at that figure: I took the number of tons shipped, produced from each mine, divided them and multiplied them by the number of mines. I have made computations not shown on the exhibits similar to the computation shown on exhibit 31, to indicate the distance computed in the same manner to Freeport and DeKalb. To Freeport the distance was figured 360.1 miles, using all billing points, and 362.8 miles, using each billing point but once. To DeKalb it was figured as 324.7 miles, using all billing points, and 308.3 miles using each billing point but once. As to whether that is based on exhibit 31, the production shown in exhibit 31: It is on the same basis, but the distances are computed—for instance, like Freeport here, the only difference is the distance. The same tonnages are used; yes, sir. The tonnage does not enter into the figures I just gave. I used the same billing points as shown in exhibit 31. (Tes. 144–159.) These figures were taken from the State mining reports, and that is the way the billing points, as we call it, is shown, in those so-called State mining reports—post office or mine location. Based on my knowledge of the way the traffic is billed from these mines, I can say that in substantially every instance, coal is billed from the point indicated on the exhibit. The Bell & Zoller coal is
190 billed from Ziegler. I do not think there are very many instances where the coal is billed from any other point, other than as shown on the exhibit.

Exhibit no. 32 is a statement showing the commercial mines in southern Illinois, the southern Illinois field, producing over 5,000 tons during the calendar year 1932. The total number of tons, as is shown on page B for the year 1932, was 10,262,033 tons, for a total number of mines of 34. The average for the 34 mines was 301,824 tons. Page C shows the tonnages by railroad, tonnages divided by railroad, local or joint mines.

"Q. What does it show with regard to the relative importance of the local mines in contradistinction to the joint mines in southern Illinois?

"A. Well, the joint mines—there are double computations, on the joint mines. This probably takes in—the joint mines of course have a large tonnage.

"Q. The point I was trying to ask you about was, which preponderates, the local mines or the joint mines?

"A. The joint mines."

My exhibit no. 33 is a statement showing the history of the rates and differentials on bituminous coal in carloads to Freeport, Ill.

The first column shows southern Illinois; second, Brazil-Clinton; third, Linton-Sullivan; Princeton, in the fourth column; and Boonville, in the fifth column. Page B is a similar statement showing the history of the rates and differentials to Rockford, Ill. Page C is a list of the tariff authorities.

Referring to that exhibit, immediately prior to the Commission's decision in Ex parte 74, the difference, southern Illinois over Brazil-Clinton—or Brazil-Clinton under southern Illinois was 15 cents.

The difference today is 13 cents. The differential proposed is
191 30 cents. The differential southern Illinois versus Linton immediately prior to Ex parte 74 was 10 cents. The differential today is 8 cents. The proposed differential is 25 cents.

(Protestants' exhibits nos. 27 to 33, both inclusive, received in evidence.)

CROSS-EXAMINATION

I do not know whether or not there are many joint mines in Indiana. The only way I have of securing that information is to take—well, let me illustrate. For instance, Brazil; in computing my mileage I have taken Brazil on the Baltimore & Ohio. Brazil also is shown on the Chicago & Eastern Illinois, and also on the Pennsylvania. And I did the same thing for Illinois. Where I used the same billing point but once from the Brazil-Clinton group, I took each of those three lines serving Brazil at the shortest distance to Rockford—or Freeport. It does not indicate that that covers all of the mines that are in and around Brazil that are served by those various railroads. The same thing is true with respect to my figures for southern Illinois. My column headed in my exhibit, "Using each billing point but once", merely means that I have used the shortest distance from a particular billing point, irrespective of the shipments over that line, and that will also apply to using all billing points on all lines. I do not know whether there is a movement of coal over certain of these roads. For example, if I use the Chicago & Eastern Illinois distance from a southern Illinois point which was also served by the Chicago, Burlington & Quincy Railroad, the distance via the Chicago & Eastern Illinois might be the shortest route, but the bulk of the coal might move via the Chicago, Burlington & Quincy Railroad.

This figure that I have designated and referred to as the short tariff route, for example on page C of my exhibit no. 27,
192 328.2 miles—from southern Illinois to Rockford—those are just the mines on the Illinois Central Railroad.

"Q. And that does not reflect the Missouri Pacific situation at all?

"A. Oh, no, no. It reflects as it says; it is the short tariff route." It is the shortest tariff route, in other words.

"Q. The Illinois Central has the shortest haul from its mines in southern Illinois, of any other carriers serving southern Illinois, has it not, to Rockford?

"A. To Rockford?

"Q. Yes.

"A. Well, no; not the Illinois Central. The Illinois Central in connection with the Milwaukee Railroad.

"Q. Well, the Illinois Central and its connections.

"A. Yes, sir."

As to whether I have got all of the shipping points of the Missouri Pacific Railroad included in this statement of mine on page C of my exhibit no. 27, there is one point that I have found since this statement was prepared that makes no difference in the mileage, and that is East Carterville. Now, there are other points shown in the Missouri Pacific tariffs. I can pick out one, probably—well, I think Jefferies, Ill., is shown in the Missouri Pacific tariff; but I have not used it because I am unable to figure any distance from Jefferies. So in all of these wherever there is a point shown in the tariff, and there is no distance published, I have eliminated it.

In answer to your question whether the Missouri Pacific publishes rates from what are known as their group 10 mines, taking the
193 Southern Illinois rates, there are several groups probably that carry the same basis of rates that would apply from southern Illinois, although they are not southern Illinois points.

"Q. (By Mr. WILDMAN.) You did not include DuQuoin, did you?

"A. No, sir.

"Q. They take the southern Illinois rates.

"A. No, I did not."

I could not tell you offhand whether the Carbon Coal Company shown in my exhibit no. 31 has any mines at Marion, Illinois, on the Illinois Central. My exhibit no. 31, where it shows the average distance via the route, does not show the average distance from the post-office address; it is the average distance from the point shown under column 2. It might be the post-office location, but——. I could not answer the question as to whether the $2 rate applies from the mines of the Carbon Fuel Company via the Illinois Central, to Rockford, Illinois. It applies from Marion. I would assume that if the Carbon Coal Company would be located at, say, for instance, on the old M. & E. Railroad, why, it would move over through——. Some of these mines that I show here might have their address at Chicago, but their location is not there. The column is headed "Post-office location."

The Carbon Fuel Company mine may be located at Herrin, Ill.; I do not know.

The Cosgrove-Meehan Coal Company mine no. 1 is located on the old M. & E. division of the Missouri Pacific Railroad. It is identified in the tariff as Franco 1, two or three miles from Marion. I do not think Cosgrove no. 1 is located on the Chicago, Burlington & Quincy Railroad. The Burlington Railroad does not make Marion—it does not get into Marion. (Tes. 159–169.)

(Witness excused.)

194 L. F. MALUM, appearing for the Springfield Coal Traffic Bureau, Springfield, Ill., testified:

The Springfield Coal Traffic Bureau is an organization comprised of operators owning and operating about 21 coal mines in the northern part of central Illinois; most of them are located in and around the city of Springfield. We appear in this proceeding because we are interested in the importance to us of a proper relationship of rates between our mines, on the one hand, and other groups of mines in Illinois and Indiana on the other hand.

Our members advise me that they find it extremely difficult to market their coal beyond a distance of from 75 to 100 miles from the mine, and that because of the present differential adjustment and relationship of rates, they cannot get beyond this zone. We will endeavor, accordingly, to show that the rates from our mines are now on approximately the same level as or higher than from northern Indiana mines, based on the present rates of 187 and 192 respectively from the Clinton and Linton districts, and measured by means of the Holmes & Hallowell scale level. If there is a reduction in rates from northern Indiana groups, there should be a corresponding reduction from the mines in central Illinois.

My first exhibit no. 34 is a statement showing the average distance from all mines in the Springfield district to Rockford, Ill., via the shortest tariff routes. This computation embraces each point of origin in the Springfield district as many times as that origin point appears in the various tariffs of the carriers. For instance, the short line distance is figured from Springfield, Ill., to Rockford via the Alton, Baltimore & Ohio, Chicago & Illinois Midland, Illinois Central, and Wabash as originating lines. This exhibit shows

195 that the shortest route from the Springfield district to Rockford is via the Illinois Central-Mendota-Chicago, Milwaukee, St. Paul & Pacific, the distance being 198.6 miles, rate 170 which is 77.6 per cent of the Holmes & Hallowell scale. The average distance via all short tariff routes, it will be noted, is 250.4 miles, or 66.1 per cent of the Holmes & Hallowell scale. I mean that distance is the average distance from all mines on the Illinois Central. The average distance via all short tariff routes, it will be noted, is 250.4 miles or 66.1 per cent of the Holmes & Hallowell scale.

Exhibit no. 35 shows the average distance from all mines in the Springfield district to Freeport, Illinois, via the shortest tariff routes, and is computed in exactly the same manner as exhibit 34 covering Rockford, Illinois.

It will be noted the average distance via the short tariff route is 208.5 miles, rate $1.70, or 75.1 percent of Holmes & Hallowell, via Illinois Central direct. The average distance from all points of origin in the Springfield district via the short tariff routes, is 273.2 miles, or 62.6 percent of the Holmes & Hallowell scale.

Exhibit no. 36 is a statement showing the distance via short tariff routes, from each mine in the Springfield group to Rockford, Illinois, using each point of origin but once.

The points of origin shown on this exhibit are points at which coal was produced in 1931, according to reports of the Department of Mines and Minerals of the State of Illinois; also mines which have been temporarily shut down, but have not been definitely closed. Attention is directed to the fact that the distance from Springfield, Illinois, at which point is located the larger number of the mines of the members of this bureau, to Rockford via Illinois Central-
196 Mendota-Chicago, Milwaukee, St. Paul & Pacific, which is the shortest tariff route, is 197.1 miles, or 77.5 per cent of the Holmes & Hallowell scale, and 8.6 mills per ton-mile.

"Q. (By Mr. CARDY.) Mr. Malum, is that right? You said 198.1 in one of these other exhibits.

"A. Well, this is the distance—the distance on exhibit number 36 is the distance from the switching district of Springfield, Illinois. The average distance from all of the mines, computed in the manner described, is 240.3 miles, or 68.5 per cent of the Holmes & Hallowell scale, producing 7 mills per ton mile."

Exhibit no. 37 shows the distance via shortest tariff routes from mines in the Springfield district to Freeport, Illinois, using each point of origin but once and is exactly the same information as portrayed in the previous exhibit no. 36, covering Rockford, Illinois. The distance from Springfield, Illinois, via the shortest tariff route is 206.5 miles, rate $1.70, or 75.2 per cent of the Holmes & Hallowell scale, which produces 8.2 mills per ton mile. The average distance from all mines is 251.3 miles, or 65.1 per cent, or 6.7 mills per ton mile.

As to how the mileages that are shown in my exhibits compare with the mileages submitted by Mr. Wildman and Mr. Waffle: There is a slight difference; there is no material difference. In one or two cases it throws it into the next block, the next ten-mile block. My mileages are slightly greater than shown by Mr. Wildman.

Exhibit no. 38 shows the distance via all tariff routes from all mines in the Brazil-Clinton and Linton-Sullivan groups, the percentage of the Holmes & Hallowell scale of the present and proposed rates, from those two groups as compared with the Springfield group. The mileages shown on this exhibit from Indiana were taken from Witness Wildman's exhibits submitted yesterday.
197 From the Brazil-Clinton and Linton-Sullivan groups in Indiana to Rockford, via all routes, all tariff routes, the distance is 274.9 miles and 294.5 miles, respectively; and to Freeport 309.3 miles and 329.6 miles, respectively.

My exhibit no. 38 makes a comparison, using these distances with the distances from the Springfield group, computed in exactly the same manner. There should be one correction in the top line of exhibit 38. The word "shortest" should be inserted between the word "all" and the word "tariff."

To Rockford, Ill., the present rate is $1.87 from the Brazil-Clinton group, for 274.9 miles, which is 68.6 per cent of the Holmes & Hallo-

well scale; and from the Linton-Sullivan group, the present rate is $1.92, for 294.5 miles, which is 67.1 per cent of the Holmes & Hallowell scale, as compared with the distance from the Springfield group of 250.4 miles, with a rate of $1.70 per ton, which is 66.1 per cent of the Holmes & Hallowell scale.

The rate under suspension from the Brazil-Clinton group to Rockford is $1.70, which for the distance indicated is 62.5 per cent of the Holmes & Hallowell scale; and from the Linton-Sullivan group, the proposed rate is $1.75, which is 61.2 percent of the Holmes & Hallowell scale; as compared with the rate from Springfield to Rockford of $1.70, or 66.1 per cent. Attention is called to the similar data worked out pertaining to Freeport, Ill. The purpose of this exhibit is to show by comparison of the present rates to Rockford and Freeport from the Brazil-Clinton and Linton-Sullivan districts in Indiana on the one hand, and the rate from the Springfield group on the other hand, are now on approximately the same level, using the Holmes & Hallowell scale as a means by which to test the level; and that if the suspended rates are permitted to become effective, the level from Indiana will be materially lower than from Springfield.

198 I have one additional exhibit, that I would like to present at this time, my exhibit no. 39. This exhibit shows similar information as depicted in exhibit no. 38, except the mileage indicated thereon are the distances via the short tariff routes using each point of origin but once. Without going into the specific detail, we call attention to the fact that the rates from the two Indiana groups are at the present time on approximately the same rate level as from the Springfield group, and that the rate from Springfield, Illinois, proper is on a substantially higher level than from Indiana. The exhibit also shows that if the suspended rates are permitted to go into effect, Indiana will then enjoy a level substantially lower than from Springfield proper, or the entire Springfield group.

That is all I have.

(Protestant's exhibits nos. 34 to 39, both inclusive, Witness Malum, received in evidence.)

On my exhibits, either no. 38 or no. 39, I figure the distance from the Springfield group in the same manner that I do from the Indiana groups. They are computed exactly the same.

There are about thirteen mines located at Springfield proper, and they are all located in the switching district. That is the largest group of mines that are located in the northern part of central Illinois.

"Q. Where is the next largest—where is the next group located in central Illinois?

"A. We have about 25 miles north of Springfield, a mine located at Lincoln, Illinois, and then just south of Springfield about 26 miles, there is a group of mines on the Chicago & Illinois Midland Railroad.

"Q. About how many mines?

199 "A. Four mines; and there are one or two mines on the Alton Railroad south of Springfield, and one at Auburn, and one at Panther Creek."

South of the Chicago & Illinois Midland Railroad there is a group of mines in and around Staunton and Mt. Olive, and Gillespie, Pana, and Hillsboro. Geographically speaking, I would say that the mines located in and around Springfield would be comparable with the mines in and around Brazil, Indiana. They are approximately directly west of the Brazil, Indiana, group. And the mines on the Chicago & Illinois Midland might be comparable geographically with the mines located in the Sullivan-Linton district.

CROSS-EXAMINATION

In my exhibit 39 I have used Mr. Wildman's Indiana mileages. It is my understanding that these mileages are computed the same as the mileages put in by Mr. Rozene yesterday. I did not do the computing, but that is my understanding. Our rates from central Illinois to Rockford and Freeport have been for many years constructed on a 30-cent differential under the southern Illinois rates, and the mileage from our particular group has not entered into the measure or our rates; and the same way at practically all points in Wisconsin and Minnesota and the Northwest, 30 cents under. The mileage relation is not always adhered to in giving us a strict mileage relation with southern Illinois.

In my exhibit no. 39, my Springfield proper distance is the distance via the Illinois Central Railroad, Mendota, and the Chicago, Milwaukee, St. Paul & Pacific Railroad to Rockford; and the Illinois Central direct to Freeport. As to whether that is only one of six railroads that serve Springfield: I explained that in submitting certain of my other exhibits.

200 "Q. And the same way with the distance of 240 miles, which you show from the Springfield group. That is not representative of the actual movement of coal; it is just the tariff distance—the shortest tariff distance.

"A. Using each point of origin." (Tes. 169–180.)

"Q. And you have made no comparison in any of your exhibits, have you, with the rates here under attack from mines on the Milwaukee Railroad, in the Brazil-Clinton and Linton-Sullivan groups, to those two destinations?

"A. Well, I do know that the distance from the Chicago, Milwaukee, St. Paul & Pacific mines in the Brazil-Clinton group to Rockford is 235 miles, if that is what you have reference to."

I have made no comparison. That is 235 miles—well, it has been put in as 231 and as 235. I understand that those are the rates that are involved in this case; that is what is specifically involved. I have not made any exhibits or any comparison of those rates.

"Q. Now, in your exhibit no. 35—in your exhibits 36, 37, and 39, however, you take the shortest distances that exist from the shipping points shown in the tariffs to Springfield?

"A. For the Springfield group; yes, sir.

"Q. Whether any coal originates at those points or not?

"A. That is true."

The mines at Lincoln and Decatur that I show in here, with very short distances to Rockford and Freeport, do not ship any coal to Rockford and Freeport. We have not been able to ship any; the rates have been too high up there. Under the relationship, as it has existed, we have been precluded from shipping coal up there. As I explained, they ship coal within 75 miles to 100 miles—about 75 miles. There is no peculiarity regarding the situation
201 at Rockford and Freeport with regard to the shipment of coal; that same situation prevails at practically every point beyond 100 miles. During 1932 I do not know where that 20,000 tons of coal shipped to Rockford from the Springfield group originated. I could not say whether it originated at our mines in the Springfield group.

With reference to my exhibit no. 39, I have taken the shortest tariff distance via all routes using each point of origin once from the Brazil-Clinton group, to arrive at my mileage of 272 miles. In other words, Terre Haute would be used just one time via the shortest tariff routes. Then I compare that, however, with the distance from Springfield proper via only one line, that is, via the shortest line, using that point but once. I did not say in my testimony that the production of coal in the group is largely around Springfield and south of Springfield. I said that the mines of the members of our bureau are principally in and around the city of Springfield. I do not represent all of the mines in the group.

REDIRECT EXAMINATION

In answer to your question whether this mileage from Springfield proper of 197.1 miles would be comparable with that mileage from the Brazil-Clinton district; would it be the 231 miles or 235 miles via the Chicago, Milwaukee, St. Paul & Pacific Railroad: It would not be either because the 231 miles and the 235 miles, whichever one of the figures is correct, from the Brazil-Clinton group, would embrace all mines on the Milwaukee Railroad in that group. This figure of 197.1, for Springfield proper, is one point in the Springfield group. The figure of 240.3 miles would compare with the 235 miles from Milwaukee mines—mines on the Milwaukee Railroad alone.

202 RECROSS-EXAMINATION

So that my figure of 240 miles is really comparable with the 231 or 235 mile distance of the Milwaukee haul, and our rates are now based on $1.87, on about the same level.

If I were to confine my comparison to the distance—or the rates from Chicago, Milwaukee, St. Paul & Pacific Railroad mines alone, the comparable distance from Springfield would be the average distance from Illinois Central mines in the Springfield district; in other words, I understand that the distance of 235 miles, representing the distance from Milwaukee Railroad mines in the Brazil-Clinton group, is the shortest tariff route from that group. Now, to make a true comparison or a similar comparison from the Springfield group, it would be fair and proper to use the shortest tariff distance, which is via the Illinois Central, Mendota, and the Milwaukee Railroad, 198.7 miles—or 198.6 miles to Rockford.

Based on my experience in the coal business, as to what action I think the other Indiana originating lines would take in the event that the Commission were to permit the 17-cent reduction to go into effect from Milwaukee mines, I do not think there is any question but that it will spread to the other railroads serving the Brazil-Clinton and Linton-Sullivan groups, and in time go down into the southern part of Indiana.

REDIRECT EXAMINATION

The mileage of 272.7 takes in the entire Brazil-Clinton group, and the mileage of 240.3 takes in the entire Springfield group.

"Q. And the 197 is the average of all mines on the Illinois Central?

"A. No; the 197 is——

"Q. 197.1.

"A. (Continuing.) Is the distance from Springfield proper; but the average from all mines on the Illinois Central is 198.6, as
203 per exhibit no. 34; and 198.6 would be comparable with the 235 miles of the Milwaukee. On that point, to that extent, I stand corrected in my statement to you. I was in error when I made the statement to Mr. Wilkinson that the 240-mile distance was comparable with the 235 miles distance on the Milwaukee.

(Witness excused.)

R. P. De Camp, general commerce agent of the Illinois Central Railroad System, with headquarters at Chicago, Ill., testified:

I have been employed in the traffic department of the Illinois Central Railroad in various official capacities for nearly 30 years. Effective January 10, 1922, I was appointed assistant coal traffic manager. My duties in connection with that position had to do with making freight rates on coal and coke, and the defending of them before the Interstate Commerce Commission and various State commissions. Effective July 16, 1928, I was appointed assistant general freight agent, northern and western lines. My duties in this position were in connection with Interstate Commerce Commission and State commission work, in the handling of rate adjustments on commodities other than coal and coke. Effective August 24, 1931, I was appointed coal traffic manager, having in charge the making of freight rates on coal and coke, and the defending of them before the various commissions, and general supervision over the

coal and coke traffic of our railroad, which position I held until July 16, 1932, when I was appointed general commerce agent, in charge of rate matters before the Interstate Commerce Commission and the various State commissions. I am familiar with the rate adjustment here involved and with the issues involved in this particular
204 case. The Illinois Central Railroad serves coal mines located in the principal producing groups in Illinois, as well as mines located in the Linton-Sullivan district and Evansville district in Indiana, and mines located in the western part of Kentucky. In Illinois we serve the northern Illinois, Springfield, Centralia, Belleville, DuQuoin and southern Illinois groups. The Illinois Central not only publishes rates on coal between points on its own railroad, but publishes rates from producing districts on its line in Indiana, Illinois, and western Kentucky to destinations on other railroads, as well as joins in rates from producing fields on other railroads, to destinations on its own railroad. The Illinois Central Railroad serves Rockford and Freeport, Illinois, and has its own rails from the Illinois producing groups that I have named as well as from the Linton-Sullivan and Evansville groups in Indiana, and from western Kentucky to these destinations. Coal traffic on our railroad in normal years was better than 40 percent of our total freight tonnage, and at times has exceeded over 20 percent of our entire freight revenue. At the present time the percentages are not as great, due to existing conditions prevailing throughout the country. In 1931 it was 31 percent of our tonnage and 17 percent of our revenue. Now, coal mines for years have been grouped for rate-making purposes, and the decisions of the Commission are replete with the fundamentals and the principles which were observed in the making of those rate groups. The decisions of the Commission are also replete with the history of the groups, the boundaries thereof, in Illinois, Indiana, and western Kentucky, and it is not necessary for me to go into the details thereof. This record has maps submitted by interested parties showing the origin groups in what is known as the Central competitive field, comprising the states of Illinois, Indiana, and western Kentucky.

205 I have prepared a series of exhibits which I would now like to introduce, and comment thereon. The first exhibit is marked for identification as exhibit no. 40. It is a statement showing the rates and distances on bituminous coal from the principal producing groups in Illinois, Indiana, and western Kentucky, to Freeport, Rockford, and Chicago. In the first column I show the origin groups in Illinois and Indiana, as well as west Kentucky. Next I show the average distances via the short tariff routes in miles. Now, these distances are the same distances that the carriers submitted in 1931, in the 13th section proceeding, I. C. C. docket no. 23130, as per exhibit no. 285 submitted by Witness B. M. Hamilton. There has been no material change since, and I am confident that a comparison of these distances with other distances of record will not

show much variation. Be that as it may, I contend that the distances submitted by the carriers in the 13th section proceeding are a proper basis for submission here in this proceeding. The next column shows the present rates with which we are all familiar. Now, the second column I want to direct particular attention to. That visualizes what the future may hold and what we fear. In connection with the Brazil-Clinton and Linton-Sullivan groups, I have shown the suspended rates. Those are the suspended rates of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company from those respective Indiana groups. But I show them in this exhibit as standard rates for comparative purposes, as applying from the entire group, because I firmly believe that if these reductions are confirmed and approved by the Interstate Commerce Commission, the ink will not be dry upon the order vacating the suspension before
tariffs of competing lines in the same district will be issued,
206 making the same reductions. Why, it will only be a matter
of time, as I see it, in such event, before the Princeton and the Boonville groups will follow with similar reductions. In fact the Indiana operators on this record contend that if this reduction goes into effect from Brazil-Clinton and Linton-Sullivan mines on the Chicago, Milwaukee, St. Paul & Pacific Railroad, it should be extended to mines in (Tes. 180–192) the same groups, in the same amount of reduction maintained from the other groups to observe the existing differences or differentials. Now, if that should happen, which in all probability may be, all of Indiana goes down 17 cents. How long would it be before drastic requests and strong pressure would be exerted upon Ilinois roads to make a similar reduction? Now, if that were done, which is possible, it would produce lower rates to Freeport and Rockford from the large originating groups in Illinois, than apply to Chicago. For illustration, southern Illinois to Freeport and Rockford is $2.00. A 17-cent reduction would make $1.83, versus the Chicago rate of $1.95. There are routes from southern Illinois to Rockford and Freeport which apply via Chicago. The Interstate Commerce Commission in considering the coal rate structure in this territory, has at various times used the Holmes & Hallowell scale as a yardstick. Therefore I have used it in this exhibit, and I show the percentage the present rates are of the Holmes & Hallowell scale, which is represented in the next two columns of my exhibit. In the next column I show percentage, rates reduced 17 cents per ton, of the Holmes & Hallowell scale; and I have applied that to the rates involved in this proceeding—that is not the specific rates on this exhibit, of the St. Paul mines, but the same rates if applied from all the mines, for the distances shown. This exhibit shows, taking Brazil-Clinton to Freeport, that the
present rate is 64 percent of the Holmes & Hallowell scale;
207 where as from Springfield the percentage of the Holmes &
Hallowell scale to Freeport is 63.7 percent, or approximately on the same level as from the Brazil-Clinton group in Indiana. Now, this attack in this proceeding has been directly as I see it mainly at

Springfield. Therefore the relativity of Springfield on the one hand, and Brazil-Clinton on the other hand, is the point in issue. Under the suspended rates applied from the group, from Brazil-Clinton, they would represent 58.2 percent of the Holmes & Hallowell scale. Now, at Rockford, we have the same story, only there it will be noted that the level of the present rates from Springfield to Rockford is 68.5 percent of the scale, the same as would be—or the same as is the present rate from the entire Brazil-Clinton group, 68.5 percent; and the proposed rate would be 62.3 percent if applied from the entire group. The purpose of this exhibit is to show in a one-sheet, comprehensive manner, the relative levels from the basic groups in Indiana, compared with the group under attack in this proceeding, with the other related groups. It is also introduced to show what we fear the future may hold. The Interstate Commerce Commission is the guardian of the revenues of the railroads. They are the ones charged with seeing that the rates are protected, and their revenues. Therefore, I thought it might be helpful to the examiner to have such a complete picture. I hand you herewith the supporting data, being a duplicate of exhibit no. 285 in I. C. C. docket 23130 proceeding. That was introduced by Mr. Hamilton.

My next exhibit no. [redacted] is a statement taking the short line average distance from the Brazil-Clinton group on the one hand, and from the Springfield group on the other hand, taken from the answer of the respondent to the petition for suspension. In this exhibit we are dealing with the short routes. Now, I contend it
208 does not make any difference how the short route is constructed. The short route, whether it be one line on the one hand or two lines on the other hand, is still the short route. The distances shown here are the short line average distances. Taking Rockford, it shows as per other exhibits in this record, that the Chicago, Milwaukee, St. Paul & Pacific mileage from the Brazil-Clinton group is 231 miles; that is the short distance from the Brazil-Clinton group. It is the short line average distance, the short tariff distance of the St. Paul direct, via the St. Paul Railroad direct. The distance shown below is from Springfield; that is the short tariff distance, Illinois Central, Mendota, and Milwaukee Railroad. Now, I show next the present rates, what the Holmes & Hallowell scale is for those distances, the percentage the existing rates are of the Holmes & Hallowell scale when measured by the short line average distance tariff routes, and what the suspended rates would be from the Brazil-Clinton and Linton-Sullivan groups, and the percentage of the Holmes & Hallowell scale. It will be noted that at Rockford the present rate on that comparison results in Brazil-Clinton paying 75.4 percent of the scale; and Springfield paying 77.6 percent of the scale; and proposed, from St. Paul mines alone, 68.5 percent of the scale.

My preceding exhibit no. 40 showed the picture using averages from the entire group. This exhibit no. 41 shows the picture using

the short line distances as the basis. Now, by next exhibit no. 42 shows the rates—or, shows the distances first via the short tariff routes from Brazil-Clinton and Linton-Sullivan groups to Freeport and Rockford, which distances were taken from my exhibit no. 40. The rate under suspension is of course here again the rate from the St. Paul mines, but I have applied it for comparative pur-
208 poses from all mines in the group. The percentage of the Holmes & Hallowell scale is shown next—or I mean, the Holmes & Hallowell scale is shown next, and following, the percentage the suspended rates are of the Holmes & Hallowell scale.

I next show the 23922 scale for comparative purposes. I show next that the 23922 scale is 75.8 percent from Brazil-Clinton to Rockford, of the Holmes & Hallowell scale, and that the present rates are 68.5 percent of the Holmes & Hallowell scale; and that the suspended rates would produce 62.3 percent. I show in the last column the percent the present rates are of the 23922 scale. The 23922 scale in this case has been progressed 8 cents for each 25-mile block, the same as all other parties in this record who have used this scale, have progressed it.

My last exhibit, no. 43, is an exhibit showing the number of tons of bituminous coal from mines in Illinois, Indiana, and west Kentucky, received at Freeport via all lines. The authority for this exhibit is Agent C. W. Galligan's Statistical Coal Bureau, an organization voluntarily maintained by the railroads under the supervision of Mr. Galligan, to which movements are reported. In the 23130 case, a similar exhibit was presented—I have forgotten the number; but it showed I think the 1930 movement, and there was also furnished in that record the 1929 movement. Therefore the 1929 and 1930 movements are taken from the 23130 record. The 1931 and 1932 movements have been added in this exhibit. They all emanate from the same source of production. The exhibit speaks for itself, and it is interesting to note one feature, and that is this, that notwithstanding the disruption of mining in Illinois and Indiana during 1932, due strike conditions in those fields, the total tonnage for 1932 from the Indiana mines shown, approximated 1931 ton-
209 nage. The last figures on the exhibit show the grand total, all groups, and give the Commission some idea of the amount of tonnage to Rockford alone that might be affected as a result of this proceeding. I referred to the showing that the tonnage from Indiana held up in 1932. Illinois, as a whole, decreased from 172,000 tons plus to 157,000 tons plus. In addition—the tonnages which Mr. Seaberg gave in his testimony were the same as the tonnages that are shown in this exhibit. I recognized them from his testimony. They no doubt were procured from the same source. In addition to the tonnages involved to Rockford and Freeport, there would be tonnage to the intermediate territory, of which I have no record, nor is there any record kept except by the individual lines; in addition thereto, there is the threatened effect on the Chicago ton-

nage, which the Commission's records show completely, the large volume thereof.

"Q. Mr. De Camp, what would be the effect of a general reduction in the rates on coal in any substantial amount on the revenues of the Illinois Central Railroad and on the revenues of the other Illinois lines.

"A. It would have a very drastic effect, because coal is one of the principal commodities handled by the carriers in this territory."

(Protestants' exhibits nos. 40 to 43, both inclusive, Witness De Camp, received in evidence.)

Now, in conclusion, I wish to say that this proceeding has, as I see it, the effect of splitting a group, in that lower rates are proposed from certain mines than from all mines. Based on years of experience I have every reason to believe that that condition could not be maintained. Other roads serving the same groups would exert every effort possible to meet the suspended rates, if they were allowed to become effective. I do not see how, therefore,

210 the reductions could be refused from the other Indiana groups south of these in issue. For illustration, I cannot conceive that the Chicago & Eastern Illinois Railroad, which serves the Princeton group as well as the Linton-Sullivan and Brazil-Clinton groups, would sit idly by and not try to adjust their rates so as to participate competitively in the destination markets here in issue. And I have every reason to believe that if a uniform reduction of 17 cents prevailed from the Indiana groups, which compete so keenly with the Illinois groups, it would only be a matter of time before the entire rate structure would be disrupted and unnecessarily reduced. For that reason the Illinois Central Railroad has joined with the Alton, the Wabash, the Chicago & Illinois Midland, the Chicago, Burlington & Quincy, and the Missouri Pacific in petitioning that the proposed rates be suspended, and that the Commission enter into a full investigation relative thereto. This concludes my testimony, which is offered on behalf of the Illinois Central Railroad. Anyone in the room who wants to adopt my presentation, they may have the privilege of doing so. (Tes. 192–201.)

CROSS-EXAMINATION

Referring to my exhibit no. 43: The increase from the Princeton district in 1932 of 43,794 tons over 6,733 tons in 1931, shipped to Rockford, was due I understand to the inclusion of some origin points in the Princeton group that were before in the Boonville group. To get the correct picture, you must add the total of the Princeton and Boonville groups together, and then get the relativity of the others. That shows that in 1931 those two groups together shipped 42,560 tons, and in 1932 they shipped 45,688 tons. In 1931 there was 35,000 tons originated in the Boonville district which took a higher rate than the Princeton district.

Asking whether certain mines in the Boonville distict were shifted into the Princeton district, taking a lower basis of
211 rates than theretofore: I am not positive on the rates, what rates were applied; but the compiler of the exhibit in Chairman Gilligan's office informed me that the tonnages that were formerly reported in the Boonville group in 1931, were in 1932 transferred to the Princeton group, and took the Princeton rates, as I understand it.

I spoke about the disruption of the grouping. The present Brazil-Clinton and Linton-Sullivan has been long standing as an origin group; I could not say how many years. I presume it has been an origin group as long as the Springfield group has been an origin group, which may be 30 or 40 years. I do not know.

On exhibit no. 43, with reference to the movement from the Springfield group to Rockford: It is true that during 1932 there were a number of mines that continued to operate regardless of the strike conditions, which prevailed throughout the State generally. I understand those mines were right around Springfield proper.

A lot of my exhibits are not based upon a forward look, which I cannot see, and I am not at all guessing and fearing dire consequences. I heard from the witness stand the battle cry of the Indiana operators, "If Brazil-Clinton, Linton-Sullivan mines on the St. Paul Railroad get the 17 cents, we too." Mr. Waffle stated on the witness stand that this reduction if made from the Brazil-Clinton and Linton-Sullivan groups, ought to be applied from all of the mines in those groups.

"Mr. WAFFLE. I did not make any such—in those two groups, yes.

"The WITNESS. Yes.

"Mr. WAFFLE. But not Princeton, Ayrshire, and Boonville.

"The WITNESS. And when it came——

"Mr. WAFFLE (continuing). I did not mention them.

212 "The WITNESS. When it came to the southern groups, in answer to a request of counsel—or in answer to a question of counsel, you said you thought the differentials ought to be maintained; and you could not, as representing the operators in all those different groups, take any different position."

I stated that from time immemorial coal mines have been grouped. Inquiring as a corollary to that, whether from about the same genesis they have been differentially related into these markets: Yes, there have prevailed between the various producing groups differences or differentials, some of which may have been prescribed by the Commission and others of which time has grown up with. There was a difference, so to speak, maintained between these Illinois groups and Indiana groups, to Rockford, Freeport, and this territory, but there comes a time when your differences cannot be disturbed, if as the result thereof the whole rate structure is to be threatened, and further if it can be shown, which I think this record shows conclusively in my own mind, that there is no warrant or necessity for

reducing the existing rates, even though they might have had some sort of a differential relationship in years gone by. It was the reduction, the 17-cent reduction in the Illinois rates to Rockford and Freeport that brought about this whole situation. That reduction was the result of the order of the Illinois Commission, and the Interstate Commerce Commission in reviewing the situation in 23130 did not see fit to change it. As to whether my line was quite active in trying to have that relationship restored in 23130, I do not know; I did not attend the rate meetings where it was discussed (tes. 201–207).

(Witness excused.)

213 Statement by Mr. Rosenbaum: Mr. Examiner, the Consolidated Coal Company of St. Louis is a protestant here, but anything that we might add to the record would be merely cumulative, and therefore we do not intend to present anything further (tes. 207).

Statement by Mr. Gladson: Mr. Examiner, in order that there may be no misunderstanding of our position, the position of the other protestant carriers, I want to say that we do not feel it necessary to introduce any further evidence in view of the very adequate statements of fact made by the Illinois Central witness and the other protestants' witnesses. Our position is the same; we are still protestants (tes. 208).

Mr. JONAS WAFFLE, recalled, testified:

I want to refer briefly to Mr. Rozene's exhibit no. 31. As I understand that exhibit it purports to show the distance via the shortest tariff routes to Rockford from the mines listed in the left hand column of the exhibit, based on the distances from the post office location of the mine. Even if those distances were justified, and had any merit to them, they should be figured from the railway station for the mine rather than the post office address of the mine, which might be something entirely different from the railroad location of the mine. I see on this list the Carbon Fuel Company, the post office address of which is Marion. I take it from this exhibit that a rate of $2 per ton will apply from that mine to Rockford via the Illinois Central, Mendota, and the St. Paul Railroad for a distance of 340.6 miles, figured from the city of Herrin [Marion], on the Illinois Central. I mean Marion, on the Illinois Central. The Carbon Fuel Company is not located on the Illinois Central Railroad. It has a local mine on the Chicago, Burlington & Quincy Railroad.

214 The shortest tariff route distance from that mine over the rails of the Burlington Railroad—being the only initial line that publishes the $2 rate from that mine—is 394.2 miles, in lieu of 340.6 miles. The 394.2 miles is figured from Herrin, Illinois, which is the railroad station for that mine as shown in the Mine Directory of the Burlington Railroad. I will call attention next to the Carterville Coal Mining Company. It shows a rate from that mine via the Illinois Central, Mendota, and the Milwaukee Railroad. It also shows the distance as 332 miles figured from Carterville. That mine

is local on the Missouri Pacific Railway, and the shortest tariff route figured from Herrin, Illinois, is 412.9 miles, in lieu of 332 miles. Next is the City Lake Coal Company, and he routes that via this Illinois Central, Mendota, and the Milwaukee Railroad. That mine is located jointly on the Burlington and the Missouri Pacific. The shortest route, shortest distance is 394.2 miles, figured from Herrin, Illinois, and that route is via the Chicago, Burlington & Quincy, Mendota, and the Chicago, Milwaukee & St. Paul Railroad. Next I come to the Cosgrove & Meehan Coal Company, mine no. 1. These distances and exhibits are introduced here to show that from these mines the distance is something else than it actually is. From the Cosgrove-Meehan Coal Company mine no. 1, the distance is 391.2 miles instead of 340.6 miles. That distance is figured from Freeman, Ill., via the Chicago, Burlington & Quincy, Mendota, and the Chicago, Milwaukee, St. Paul & Pacific Railroad. The Cosgrove-Meehan Coal Company mine no. 3 is local on the Missouri Pacific Railroad, located at Franco, no. 3, Illinois. The distance is 348.4 miles in lieu of 340.6 miles. The route from this mine is via the Missouri Pacific Railroad, Marion, Illinois Central, Mendota, and Illinois Central. Old Ben Corporation mine no. 11 is local on the Chi-
215 cago, Burlington & Quincy Railroad. The distance from Christopher, on the Burlington Railroad, to Rockford, is 381.2 miles, in lieu of 332 miles. The Puritan Coal Company is local on the Burlington Railroad, and the distance is 394.2 miles, figured from Herrin, Ill. The Skaggs Coal Company is local to the Burlington—Missouri Pacific. The distance from Herrin, Illinois, via the Burlington, is 394.2 miles. The Spillerton Coal Company is local on the Chicago & Eastern Illinois, at Spillerton, the distance from that mine being 384.7 miles in lieu of 340.6 miles. The Wallace Coal Company is local on the Missouri Pacific, located at New Bruce, and the distance is 342.8 miles instead of 340.6 miles.

I believe Mr. Rozene read some figures into the record in reference to a similar set-up to Freeport and DeKalb, and of course the same errors are reflected in those figures as I have shown here. Correcting those figures would of course change the average distance shown from all of those mines. Mr. Rozene's exhibit no. 32 shows the production at the southern Illinois mines during the calendar year 1932, and on page C indicates the tonnage produced at the mines on each railroad, both local and joint. Of course those tonnages are duplicated. The tonnage appearing for the Chicago, Burlington & Quincy Railroad would likewise appear for the Illinois Central and the Missouri Pacific and other joint mines. However, that does not give a true picture of what actually happens at the joint mines, so far as the movement of tonnage is concerned. For that reason I would like to introduce an exhibit.

(Intervener's exhibit no. 44, Witness Waffle, received in evidence.)

My exhibit no. 44 is taken from the Illinois Coal reports for 1931.

I have set up in this exhibit for each of the southern Illinois
216 mines the actual tonnage shipped out over each of the origin railroads that serve such mines; and in that connection I wish to call specific attention to the figures at the bottom of the tabulation, which show, where the Illinois Central is joint with other lines, they handled but 23 percent of the total tonnage, while the Chicago, Burlington & Quincy and Missouri Pacific handled 71 percent. Now, I make that comparison for the reason that great stress has been laid upon the short tariff route distance from the Illinois Central mines to Rockford and Freeport, leaving the assumption that a very substantial part or major part of the southern Illinois tonnage to Rockford and Freeport moved over the Illinois Central Railroad, and therefore it is quite proper to use the Illinois Central distance. While this does not show definitely the percent of coal that moved to Rockford and Freeport via the various routes, it does show that certainly the Illinois Central Railroad does not enjoy a very large percentage of the coal from the joint mines in southern Illinois. And what may be true in a general way as shown by this statement is very likely true in reference to the movement to the points involved in this proceeding. As to whether I think that would be true to points where the Illinois Central has the single line route: I would say, if you will check into it, that a very substantial tonnage is coming out of southern Illinois into Rockford over the Chicago, Burlington & Quincy Railroad, and out of mines on the Missouri Pacific Railroad, that moves over routes other than the Illinois Central. That was demonstrated very clearly in the recent Beloit case. That would be true of the joint mines too.

I have not the 1932 figures, since the Illinois Central changed its policy; they are not out yet. There is just one other point that
217 I want to raise at this time, and that is with reference to a lot of obsolete billing points that creep into the compilation of mileages not only from Illinois, but from Indiana. I refer specifically now to Rozene's exhibit 27, and I merely call attention to a lot of mines that appear there for the Monon Railroad; and to show the extent to which the obsolete billing points in tariffs affect the situation, I would like to call attention to some of these Chicago, Indianapolis & Louisville stations. Number 1 is Andromeda. Prior to April 1, 1916, 17 years ago, there was one mine at that point, mine no. 1 of the Sherry-Hill Coal Company. That was abandoned on April 1, 1916. They show Gilmore. Gilmore mine no. 7 at that point was abandoned on February 2, 1921. They show Howesville. All of the mines at Howesville were abandoned—there were two or three small strippers around there—in 1918. Little Giant mine no. 14 was abandoned on February 2, 1921. At Patricksburg there was a mine that was abandoned in 1925, a mine of the Imperial Coal Company. The Rainbow no. 5 mine of the Monon Coal Company was abandoned in February, 1915. At Rowlands, the mine of the Rowlands-Power Consolidated Collieries was abandoned in June 1917. At Stewards, the mine of the Stewards Coal Com-

pany, the only mine at that point, was abandoned April 1, 1927. I can go on through the other origins shown in this exhibit, and make about the same sort of a showing. And right there, in reference to this Monon situation, I have been corresponding with that railroad for 18 months, trying to get them to eliminate these obsolete points from their tariffs, but for some reason or other they have not seen fit to do so. I think it is about time in developing mileages that we find out what the shipping points are, and what the mines are, and develop the mileages from those points, and not from a lot of obsolete nonshipping points that may have had a coal mine ten,
218 fifteen or twenty years ago. That is exactly what the Commission held in Docket No. 23922, based on our recommendation. As far as possible in our exhibits we have eliminated all of the dead timber.

On exhibit no. 27, there are some 26 stations shown on the Illinois Central in southern Illinois. It is true that the mine directory of the Illinois Central does not show mines at a number of these stations. I think there are about 19 mines on the Illinois Central in southern Illinois, and I do not know how they can get 26 shipping points. A check of the mine directory shows about 19 shipping points. There is some duplication in there. To include 26 stations, it always works out in reducing the average haul from the southern Illinois group as a whole. Where you increase the number of billing points on a railroad that has the shortest distance, you automatically decrease the average of the entire group. Now, just reverse that, and increase the billing points from the mines that have—from the railroad that has the longest haul, and you will inflate the mileage. That is what has actually been done in these exhibits 27, 28, and 29 in regard to southern Illinois on the one hand, and Indiana groups on the other hand. In the Brazil-Clinton group in Indiana they show ten routes via the longest haul carrier, the Pennsylvania, where there are in fact only seven points that are actually shipping coal. Mr. Rozene included in his exhibit some obsolete points on the Pennsylvania that have not had a coal mine for 10 years. The result of that in these exhibits is to show a longer average distance from Indiana than the actual average, and a shorter average distance from the Illinois mines than the actual average (tes. 208–217).

219 CROSS-EXAMINATION

I think it is true that the same tariff situation with reference to obsolete billing points being carried in the tariffs exists in Illinois as in Indiana, but they have been used in Illinois to very good advantage. In preparing this exhibit, I did not show the billing points I took, and I should have done that, and if the examiner so desires, I will be very glad to file an exhibit within 10 days, showing it. I think every exhibit should show the origin points. It was just an omission on our part.

(Permission to file granted.)

Referring to my exhibit no. 8, page 4, southern Illinois to DeKalb: On the Missouri Pacific, I show 23 billing points. There is a reference mark (f) there. I say "Group 1, via East St. Louis, Litchfield and Madison, Benld, Chicago & North Western", and the same from or via group 10. I have no list of the mines included in group 10. They are some of the old Wabash, Chester & Western mines, and rates are published from those points in the Missouri Pacific tariff, on the going basis—southern Illinois basis. Getting back to the Illinois Central, I show 19 points. DuQuoin is not included in that group.

With reference to the distances I have shown to Rockford, the distances I believe the Commission ought to use to measure the rates to Rockford in comparison with the rates to other points and asking if I am satisfied to have the Commission use the distances I have put in here as the measure of the rate to Rockford in relation to other rates in the same general territory: I really believe in the distances that I have put in; I have tried to make them as nearly accurate as possible. If you have in mind that for a certain distance the
220 rate to some other point ought to be fixed on that distance, I do not think I would answer your question "Yes." We are dealing with a situation here—a relative situation—southern Illinois to Rockford and Freeport. The Rockford and Freeport rates from southern Illinois may be too low.

I would not say that the $2 rate from southern Illinois to Rockford is too low without analyzing the situation very carefully. It all depends upon what you measure it by. You can find plenty of yardsticks to find fault with almost any rate.

With reference to my remarks about the Missouri Pacific and the Burlington handling business via their circuitous routes in comparison with the direct route of the Illinois Central: It is not by any means my position that the direct routes only ought to handle the business and not the circuitous routes. I had nothing particular in mind in making any comment about the circuitous lines handling the traffic. It was simply to point out that the short line of the Illinois Central Railroad does not by any means measure the amount of transportation service performed out of either southern Illinois or central Illinois, because there are other origin roads, all of which have many routes to a given destination. The Missouri Pacific Railroad has a dozen or 15 routes to Rockford. Those other origin roads meet the competition of the short line or direct route. I am not advocating at all the elimination of the circuitous routes even from Indiana mines in meeting short-line competition. My purpose is that in measuring group with group, the average of the short tariff routes should be used rather than singling out the shortest distance between two given points.

Asking if it is not quite possible that more aggressive solicitation has a lot to do with the routing of traffic via circuitous lines of the Missouri Pacific and Chicago, Burlington & Quincy Railroads, rather than via the Illinois Central: There are a great many

factors that always enter into that. It is solicitation, it
221 is friendship, it is reciprocity, and whatnot.

With reference to the last exhibit of mine, I do not know what the situation was for the year 1932; it is not yet available. I tried to get it. It will be available within 2 or 3 weeks. I do not know if there has been some change in the situation, except that we do know the Illinois Central Railroad finally closed its own fuel mines and went into the commercial markets for the purpose of securing commercial traffic; and perhaps that may increase the Illinois Central tonnage out of Illinois (tes. 217–223).

GEORGE J. LEAHY, Chicago, testified:

I am vice president of the Binkley Coal Company. We own and operate mines in Illinois and Indiana, and we sell coal on exclusive selling arrangements from Kentucky, West Virginia, Virginia, Oklahoma, South Dakota, Kansas, and Nebraska. I am familiar with the sale of coal in the Rockford-Freeport market, and the rest of the destinations involved in this case. Referring to DeCamp Exhibit 43, a statement of tonnage shipped to Rockford from Brazil-Clinton and Linton-Sullivan in 1929, from my knowledge of the movement of coal from those two groups to Rockford I cannot exactly state whether or not those tonnage figures are correct, so far as the Linton-Sullivan group is concerned, but the Brazil-Clinton group is absolutely not correct. My company alone shipped more than twice the amount of coal shown as having come from the Brazil-Clinton group in 1929, into Rockford. My company has for some years shipped a substantial quantity of coal from the Brazil-Clinton group to Rockford. The largest tonnage that we have had in the Rockford area in the last 10 years has been to the
Rockford Electric Company, the power-generating plant at
222 Rockford. Prior to 1930 we shipped a very substantial tonnage to that industry. Those shipments have been made from our mines, going back to about 1914 or 1915. The company—the mines prior to their ownership by the Binkley Coal Company, were owned by the Bogle Coal Company. Shipments were made from 1915 to 1920, or thereabouts, by the Bogle Coal Company, and since that time by the Binkley Coal Company, coming from the same mines. I heard the statement made on the witness stand by one of the witnesses that that company is not using as much coal now as it formerly did; that it was getting power over a high tension line from Waukegan, Ill. As to where the coal comes from that furnishes that power that is generated at Waukegan: The power generating plant at Waukegan is a unit, a subsidiary of the so-called "Insull Empire", and the coal is furnished by another subsidiary of the so-called "Insull Empire", the Peabody Coal Company, the understanding being that it comes from the Springfield, Illinois, section. The electricity that was formerly generated by Indiana coal at Rockford is now generated by Illinois coal in Waukegan, and the electricity is transported by high tension line to Rockford. We have

shipped coal to Rockford since August 1930. The reduction of 17 cents per ton in the rates from the Illinois mines to Rockford, which occurred in August of 1930, had an effect upon the price we were able to get for our coal delivered in Rockford; it had an effect on the price, of course, immediately on the date that the reduced rate was put into effect, the intrastate rate from Illinois mines. The effect was to decrease our price. We have been shipping coal to Rockford all through 1932 and 1931; we shipped continuously there from 1914 or 1915. We have had to shrink our mine price continually
223 in order to continue those shipments. I might explain that.

The furnishing of coal to the Rockford Electric Company came about by a contract having been secured by the Bogle Coal Company with the Rockford Electric Company prior to the war. It was a low price contract, comparatively low price contract. When war time came, and high-priced coal came, the Bogle Coal Company stood on its contract, and delivered at the contract price, and saved thereby the Rockford Electric Company an enormous amount of money. It so happened that when the 1920 troubles came about, the strikes, the union strikes, in the coal mines, and the strikes on the railroads, with a tie-up of transportation and consequent extremely high prices of coal, another contract had been made, and the same situation repeated itself. The Rockford Electric Company felt that it had been served properly by this coal company in the past, and therefore, they have permitted the successor company, the Binkley Coal Company, to maintain—or rather, to retain this relationship, and ship coal—however, only on the basis of meeting competitive prices. The freight rate to Rockford is about twice the cost of the coal at the mine. In order to hold on to that business, pending what we hope to be an adjustment of that relationship, we have shrunk our prices very materially. The greatest competition in Rockford, both from my experience in selling coal in that town and in the district, and also from the tonnage submitted by the witness DeCamp in his exhibit no. 43—the greatest competition there is southern Illinois coal.

Brazil block coal is a different coal from Indiana, that occurs elsewhere in Indiana or Illinois. The tonnage production of that grade of coal is very limited indeed, possibly not more than 1 percent of the coal production of Illinois, and possibly not that much.
224 But it has peculiarities in having a very small amount of ash, and being practically clinkerless, due to its high fusion temperature, so that it is in demand in certain cases. Asking if it is a common occurrence to have a consumer go from one group or one district to another: The sale of coal in the last 5 years to an industrial concern, has become entirely a matter of cost of making a thousand pounds of steam. That is the unit cost, than which no other comparison can be made; and usually, when the coal contract expires with the industrial, that industrial invites the competing companies, whether they be from western Kentucky, northern Illinois, southern Illinois, central Illinois, or Indiana, to come in and

make tests in its plant; and the cost of making the steam, of course, is relative to the number of pounds of steam that are made by each pound of coal, as well as by the price charged for that coal. If Indiana can make steam cheapest this year, undoubtedly, the contract would go to an Indiana producer. Next year, or the next six months, another test might be run, and the price of the Illinois coal might be changed, and the man who made steam the cheapest on the next test would get the business. Asking if it is a fact also that in the sale of coal one of the competitions we run into is the effort of the operators to balance their sales of lump and steam coal in order to keep operating: The size of the coal produced at the time must absolutely be balanced in the sale of the coal or else you cannot keep in operation. If the lump coal is sold to advantage, then they can, and must possibly, make a lower price on their screenings, in order to move them. Also sizes must be moved currently. That has a great deal to do with the change of an industry from Indiana coal one year, or one period, to Illinois coal another period (tes. 223–231).

225 CROSS-EXAMINATION

I would say my company controls the output of 4 mines in Illinois and 13 or 14 mines in Indiana. I would like to add that the total from the four mines in Illinois is so large that the tonnage that is produced in Illinois is almost exactly the same as what is produced in Indiana. That is, we produce 1,500,000 tons in Illinois and 1,500,000 tons in Indiana each year. Those 4 mines are in Perry County, Williamson County, and Saline County, Illinois. There are 2 in southern Illinois and 2 in Belleville group. The coal that is produced at those Illinois mines moving to Rockford had the benefit of the 17-cent reduction in 1930. During 1931 and 1932 we continued to ship from our mines in Indiana to Rockford. As to why we did not shift our tonnage from our Indiana mines to our mines in southern Illinois: We had sold Indiana coal, and we had to deliver what we sold. We shipped a great deal of coal from our southern Illinois mines to Rockford during the past 2 years. On Indiana coal during the years 1931 and 1932, I would say five or six contracts that we had there, but there was one of them that was 75 percent of the tonnage, at least. That contract might be susceptible to another interpretation—to a great many interpretations, but the practical effect of it is absolutely a year-to-year basis. Commencing with 1932, we did have contracts for the delivery of coal during that period from our Indiana mines; it was not optional with us; it was optional with the purchaser as to whether he would cancel his contract. He did not cancel his contract.

When I spoke of finding my strongest competition with southern Illinois coal, we meant southern Illinois coal compared with Indiana coal. We find southern Illinois coal to be our strongest compe-
226 tition because it is a very good grade of coal there. Generally speaking, it is a better grade of coal than our Indiana coal.

It is inherently a better grade of coal. That possibly is—that inherent increased value is possibly increased [by increased] by better preparation, more expensive preparation at the plant. We prepare our coal; we give it the finest preparation that can be had, both in Illinois and Indiana. The mines in Illinois are generally very much larger than the mines in Indiana, so that there the best preparation can be had. A mine in Indiana that is going to produce 500 tons per day can have a certain preparation, and we have that preparation, and it is the best that 500 tons per day can justify. A mine in Illinois which will produce 5,000 tons per day, or ten times as much, can have a much better preparation. As to what our preparation of the coal is: We screen the coal in the normal way. Out of 26 mines, we have one washer; that is on the Big Rour in southern Indiana. We do not dry it. Of our shipments from our mines in Illinois, I really could not say what percentage to Rockford originates within the Belleville district as compared with the southern Illinois district. I would say that the tonnage is almost the same, though. That is, roughly, we ship about the same amount of Belleville coal as we do Saline County coal into Rockford. This Belleville district coal is a much lesser amount than what we ship from Indiana mines.

I could not give our total tonnage for 1932 moving to Rockford from both Illinois and Indiana. The only tonnage I have is the 1932 tonnage that moved to the Rockford Electric Company. We did move some from Indiana. As to what that was: I would like to give you this comparison there, as between 1929 and 1932. In
227 1929 we shipped to the Rockford Electric Company 61,000 tons. And in 1932 we shipped to the Rockford Electric Company 23,000 tons, or a decline from 61,000 tons to 23,000 tons. I would say that was 90 percent of the coal that they consumed. In addition to that, we shipped some other coal from Indiana, during 1932, to other industries in Rockford. Also from our Illinois mines. Asking whether, if we got a reduction in our rates from Indiana, would we shift all of our tonnage to our Indiana mines: We do not have anything to do with shifting our tonnage. Oftentimes a plant that wants to buy coal gives us an opportunity to make the test run on Illinois coal, that is making a test run on Indiana coal. It depends entirely on their judgment which one they will take. We have nothing to do with it.

Inquiring whether, if the rate was put back to its former relationship with the southern Illinois rates, we would be able to get a better price for our coal that goes into Rockford from Indiana again: I might answer that by saying that we cannot continue to furnish coal, our Indiana coal, to the Rockford Electric Company, on our present price basis. We have receded to this price level only with the thought in mind that the Interstate Commerce Commission would restore the relationship between Indiana and Illinois that was in effect for 25 years prior to the action of the Illinois Commerce Commission in 1930. If it becomes evident, and the Commission's

decision in this case indicates that our thoughts are wrong, and that the present level of rates is going to continue for all time, we will surrender, and must surrender the business of the Rockford Electric Company. I have no doubt at all that it will go to Illinois; I do not know if it will go to southern Illinois. We will try our best to get it for our Illinois mines.

228 "Q. (By Mr. WILKINSON.) Mr. Leahy, you spoke about the inherent superior qualities of southern Illinois coal as compared to Indiana coal. It is capable of standing a higher freight rate than the Indana coal, and substantially higher, is it not, with which it is in competition?

"A. I think it is one of the axioms of rate making that the greatest product—that is, the product of greatest value can stand a higher freight rate, whether it be coal or any other material" (tes. 231–238).

(Witness excused and hearing closed.)

229 *Exhibit 1. I. & S. Docket 3843. Witness Averitt*

*Statement showing tariff routes, rates, and mileages from mines of protestant, Consolidated Coal Co., located at Mt. Olive, Ill., compared with rates and distances from mines served by C., M., St. P. & P. R. R. in Clinton and Linton, Indiana, districts, to Rockford, Ill.*

FROM MT. OLIVE, ILL.

| Route | Miles | Tariff rate | Percent H. & H.[1] scale | Rate based I. C. C. 23922[2] extended |
|---|---|---|---|---|
| Wabash Ry., Chicago, Ill., C. & N. W. Ry | 335 | 170 | 55 | 231 |
| Wabash Ry., Brisbane, Ill., E., J. & E. Ry., West Chicago, Ill., C. & N. W. Ry | 307 | 170 | 58 | 223 |
| Wabash Ry., Chicago, Ill., C., M., St. P. & P. R. R. | 333 | 170 | 55 | 231 |
| Wabash Ry., Newell, Ill., C., M., St. P. & P. R. R. | 341 | 170 | 54 | 231 |
| Wabash Ry., Manhattan, Ill., C., M., St. P. & P. R. R. | 297 | 170 | 60 | 215 |
| Wabash Ry., Brisbane, Ill., E., J. & E. Ry., Spaulding, Ill., C. M. St. P. & P. R. R. | 312 | 170 | 58 | 223 |
| Wabash Ry., Brisbane, Ill., E., J. & E. Ry., Wayne, Ill., C. A. & E. R. R., Elgin, Ill., C., M., St. P. & P. R. R. | 312 | 170 | 58 | 223 |
| Wabash Ry., Decatur, Ill., I. C. R. R. | 280 | 170 | 63 | 215 |
| Average | 315 | 170 | 58 | 223 |

FROM CLINTON, IND., GROUP

| | | | | |
|---|---|---|---|---|
| C., M., St. P. & P. R. R., via Joliet, Ill. | 231 | [3] 170<br>[4] 187 | 69<br>75 | 199 |
| C., M., St. P. & P. R. R., via Bensenville, Ill. | 245 | [3] 170<br>[4] 187 | 67<br>74 | 199 |

FROM LINTON, IND., GROUP

| | | | | |
|---|---|---|---|---|
| C., M., St. P. & P. R. R. via Joliet, Ill. | 275 | [3] 175<br>[4] 192 | 65<br>70 | 207 |
| C., M., St. P. & P. R. R. via Bensenville, Ill. | 289 | [3] 175<br>[4] 193 | 63<br>69 | 215 |

[1] Holmes and Hallowell 69 I. C. C. 11.
[2] I. C. C. 23922 (sub. 2) mimeographed.
[3] Suspended.
[4] Present.

230 *Exhibit 2. I. & S. Docket 3843*

*Coal from Indiana to Illinois—History of rates on bituminous coal, carload, from Clinton, Ind., Linton, Ind., Springfield, Ill., and Southern Illinois mining groups, in cents per net ton*

TO ROCKFORD, ILL.

| Date | Districts | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Clinton, Ind. | | Linton, Ind. | | Springfield, Ill. | | | Southern Illinois | | |
| | Rate | Tariff authority | Rate | Tariff authority | Rate | | Tariff authority | Rate | | Tariff authority |
| | | | | | Interstate | State | | Interstate | State | |
| Jan. 1, 1910 | 90 | Q | 100 | X | 95.3 | 95.3 | A | 115.2 | 115.2 | A |
| Dec. 1, 1910 | 100 | R | 110 | Y | 105.3 | 105.3 | B | 125.2 | 125.2 | B |
| Dec. 10, 1910 | 97 | S | 107 | Y | 102.3 | 102.3 | C | 122.2 | 122.2 | C |
| June 10, 1911 | 102 | S | 107 | (1) | 102.3 | 102.3 | (1) | 122.2 | 122.2 | (1) |
| Apr. 1, 1913 | 102 | (1) | 107 | (1) | 102.0 | 102.0 | D | 122.0 | 122.0 | D |
| Dec. 1, 1916 | 107 | T | 112 | T | 102.0 | 102.0 | (1) | 122.0 | 122.0 | (1) |
| Apr. 1, 1917 | 107 | (1) | 112 | (1) | 107.0 | [1] 102.0 | [3] E | 127.0 | [1] 122.0 | [3] E |
| Apr. 15, 1917 | 107 | (1) | 112 | (1) | [1] 107.0 | 107.0 | [3] F | [1] 127.0 | 127.0 | [3] F |
| July 1, 1917 | 122 | T | 127 | T | 122.0 | [1] 107.0 | [3] G | 142.0 | [1] 127.0 | [3] G |
| Oct. 16, 1917 | 122 | (1) | 127 | (1) | [1] 122.0 | 122.0 | [3] H | [1] 142.0 | 142.0 | [3] H |
| June 25, 1918 | 150 | T | 155 | T | 150.0 | 150.0 | [3] H [3] I | 170.0 | 170.0 | [3] H [3] I |
| Oct. 5, 1918 | 152 | T | 157 | T | 152.0 | 152.0 | [3] J [3] K | 172.0 | 172.0 | [3] J [3] K |
| Aug. 26, 1920 | 213 | U | 220 | U | 213.0 | 202.5 | L | 241.0 | 229.5 | L |
| Feb. 19, 1921 | 213 | (1) | 220 | (1) | [1] 213.0 | 213.0 | [3] L | [1] 241.0 | 241.0 | [3] L |
| July 1, 1922 | 192 | V | 198 | V | 192.0 | 192.0 | M | 217.0 | 217.0 | M |
| July 19, 1925 | 187 | W | 192 | W | 187.0 | [1] 192.0 | [3] N | 217.0 | 217.0 | (1) |
| May 20, 1926 | 187 | (1) | 192 | (1) | [1] 187.0 | 187.0 | [3] N | 217.0 | 217.0 | (1) |
| Aug. 20, 1930 | 187 | (1) | 192 | (1) | [1] 187.0 | 170.0 | [3] O | [1] 217.0 | 200.0 | [3] O |
| Aug. 1, 1932 | 187 | (1) | 192 | (1) | 170.0 | [1] 170.0 | [3] P | 200.0 | [1] 200.0 | [3] P |
| Dec. 23, 1932 (suspended) | 170 | W | 175 | W | 170.0 | 170.0 | (1) | 200.0 | 200.0 | (1) |

231 TO FREEPORT, ILL.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Jan. 1, 1910 | | | | | 94.9 | 94.9 | A | 114.8 | 114.8 | A |
| Dec. 1, 1910 | | | | | 104.9 | 104.9 | B | 124.8 | 124.8 | B |
| Dec. 10, 1910 | | | | | 101.9 | 101.9 | C | 121.8 | 121.8 | C |
| Apr. 1, 1913 | 107 | Z | 112 | Z | 102.0 | 102.0 | D | 122.0 | 122.0 | D |
| Dec. 1, 1916 | 112 | AA | 117 | AA | 102.0 | 102.0 | (1) | 122.0 | 122.0 | (1) |
| Apr. 1, 1917 | 112 | (1) | 117 | (1) | 107.0 | [1] 102.0 | [3] E | 127.0 | [1] 122.0 | [3] E |
| Apr. 15, 1917 | 112 | (1) | 117 | (1) | [1] 107.0 | 107.0 | [3] F | [1] 127.0 | 127.0 | [3] F |
| July 1, 1917 | 127 | AA | 132 | AA | 122.0 | [1] 107.0 | [3] G | 142.0 | [1] 127.0 | [3] G |
| Oct. 16, 1917 | 127 | (1) | 132 | (1) | [1] 122.0 | 122.0 | [3] H | [1] 142.0 | 142.0 | [3] H |
| June 25, 1918 | 155 | AA | 160 | AA | 150.0 | 150.0 | [3] H [3] I | 170.0 | 170.0 | [3] H [3] I |
| Oct. 5, 1918 | 157 | AA | 162 | AA | 152.0 | 152.0 | [3] J [3] K | 172.0 | 172.0 | [3] J [3] K |
| Aug. 26, 1920 | 220 | BB | 227 | BB | 213.0 | 202.5 | L | 241.0 | 229.5 | L |
| Feb. 19, 1921 | 220 | (1) | 227 | (1) | [1] 213.0 | 213.0 | [3] L | [1] 241.0 | 241.0 | [3] L |
| July 1, 1922 | 198 | CC | 204 | CC | 192.0 | 192.0 | M | 217.0 | 217.0 | M |
| Oct. 10, 1922 | 192 | DD | 198 | DD | 192.0 | 192.0 | (1) | 217.0 | 217.0 | (1) |
| July 19, 1925 | 187 | W | 192 | W | 187.0 | [1] 192.0 | [3] N | 217.0 | 217.0 | (1) |
| May 20, 1926 | 187 | (1) | 192 | (1) | [1] 187.0 | 187.0 | [3] N | 217.0 | 217.0 | (1) |
| Aug. 20, 1930 | 187 | (1) | 192 | (1) | [1] 187.0 | 170.0 | [3] O | [1] 217.0 | 200.0 | [3] O |
| Aug. 1, 1932 | 187 | (1) | 192 | (1) | 170.0 | [1] 170.0 | [3] P | 200.0 | [1] 200.0 | [3] P |
| Dec. 23, 1932 (suspended) | 170 | W | 175 | W | 170.0 | 170.0 | (1) | 200.0 | 200.0 | (1) |

[1] No change in rates from previous issue. Shown as information only.
[3] Tariff reference covering interstate rates.
[4] Tariff reference covering Illinois intrastate rates.

232 *Tariff references*

| Reference | Road | Tariff no. | I. C. C. no. | Reference | Road | Tariff no. | I. C. C. no. |
|---|---|---|---|---|---|---|---|
| A | I. C. R. R | 1520 | E-1052 | P | I. C. R. R | 3100-G | E-1710 |
| B | I. C. R. R | 1732 | E-1143 | Q | C. & E. I. Ry | 1200-B | 2475 |
| C | I. C. R. R | 1796 | E-1185 | R | C. & E. I. Ry | 1200-D | 2554 |
| D | I. C. R. R | 2073 | E-1265 | S | C. & E. I. Ry | 1200-E | 2576 |
| E | I. C. R. R | 2456 | E-1333 | T | C., T. H. & S. E. Ry | 798-E | 174 |
| F | I. C. R. R | 2466 | | U | C., T. H. & S. E. Ry | 798-G | 410 |
| G | I. C. R. R | 2500 | E-1351 | V | C., T. H. & S. E. Ry | 798-H | 478 |
| H | I. C. R. R | 2662 | E-1422 | W | C., M., St. P. & P. R. R. | 15200-B | B-5133 |
| I | I. C. R. R | 2602 | E-1378 | X | So. Ind. Ry | 798-H | 656 |
| J | I. C. R. R | 2818 | E-1435 | Y | So. Ind. Ry | 798-C | 751 |
| K | I. C. R. R | 2817 | E-1434 | Z | C. & E. I. Ry | 1200-F | 2688 |
| L | I. C. R. R | 3100 | E-1521 | AA | C. & E. I. Ry | 1200-G | 2824 |
| M | I. C. R. R | 3100-A | E-1550 | BB | C. & E. I. Ry | 1200-H | 3070 |
| N | I. C. R. R | 3100-C | E-1652 | CC | C. & E. I. Ry | 100 | 8 |
| O | I. C. R. R | 3100-F | E-1689 | DD | C., M. & St. P. Ry | 15200-A | B-4722 |

233 *Exhibit 3. I. & S. Docket 3843. Witness Averitt*

*Coal from Indiana to Illinois—Comparison of distances to Rockford and Freeport, Illinois; Southern Illinois versus Clinton and Linton, Indiana, groups shown in exhibit no. 370, submitted by Witness Waffle, and exhibit no. 335, submitted by Witness Wildman, in docket 23130*

| Origin group | Rockford | | Freeport | | Average of Rockford-Freeport | |
|---|---|---|---|---|---|---|
| | A | B | A | B | A | B |
| Brazil-Clinton: | | | | | | |
| Waffle | 231.0 | 267.0 | 271.0 | 304.0 | 251.0 | 285.5 |
| Wildman | 226.5 | 270.9 | 258.6 | 304.0 | 242.6 | 287.5 |
| Difference | 4.5 | 3.9 | 12.4 | | 8.4 | 2.0 |
| Linton-Sullivan: | | | | | | |
| Waffle | 271.0 | 294.0 | 311.0 | 327.0 | 291.0 | 310.5 |
| Wildman | 271.1 | 296.7 | 307.0 | 331.6 | 289.1 | 314.2 |
| Difference | .1 | 2.7 | 4.0 | 4.6 | 1.9 | 3.7 |
| Southern Illinois: | | | | | | |
| Waffle | 327.0 | 368.0 | 337.0 | 369.0 | 332.0 | 368.5 |
| Wildman | 328.7 | 379.3 | 337.9 | 394.6 | 333.3 | 387.0 |
| Difference | 1.7 | 11.3 | .9 | 25.6 | 1.3 | 18.5 |

A—Distance via short route.
B—Average distance from all mines in group.

234 *Statement showing distances to Rockford and Freeport, Ill., from Springfield, Ill., group taken from exhibit no. 335, submitted by Witness Wildman in docket no. 23130*

TO ROCKFORD, ILL.

| Number of billing points | Origin line | Total miles | Average miles | Number of billing points | Origin line | Total miles | Average miles |
|---|---|---|---|---|---|---|---|
| 20 | Alton | 4,252.0 | 212.6 | 1 | I. T. | 316.8 | 316.8 |
| 6 | B. & O. | 1,488.0 | 248.0 | 3 | L. & M. | 782.4 | 260.8 |
| 5 | C. & E. I. | 1,485.0 | 297.0 | 3 | N. Y. C. & St. L. | 739.5 | 246.5 |
| 5 | C. & I. M. | 1,122.0 | 224.4 | 2 | Pennsylvania | 459.0 | 229.5 |
| 5 | C. & N. W. | 1,111.0 | 222.2 | 1 | S. T. | 201.2 | 201.2 |
| 6 | C., B. & Q. | 1,569.0 | 261.5 | 5 | Wabash | 1,247.0 | 249.4 |
| 1 | C., S. & St. L. | 233.4 | 233.4 | | | | |
| 8 | C., C., C. & St. L. | 2,240.0 | 280.0 | 80 | | 19,028.8 | 237.9 |
| 9 | I. C. | 1,782.5 | [1] 198.1 | | | | |

TO FREEPORT, ILL.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 20 | Alton | 5,100.0 | 255.0 | 1 | I. T. | 289.1 | 289.1 |
| 6 | B. & O. | 1,656.0 | 276.0 | 3 | L. & M. | 810.0 | 270.0 |
| 5 | C. & E. I. | 1,299.0 | 259.8 | 3 | N. Y. C. & St. L. | 767.4 | 255.8 |
| 5 | C. & I. M. | 1,168.5 | 233.7 | 2 | Pennsylvania | 543.8 | 271.9 |
| 5 | C. & N. W. | 1,373.0 | 274.6 | 1 | S. T. | 210.5 | 210.5 |
| 6 | C., B. & Q. | 1,989.0 | 331.5 | 9 | Wabash | 2,820.6 | 313.4 |
| 1 | C., S. & St. L. | 261.4 | 261.4 | | | | |
| 8 | C., C., C. & St. L. | 2,087.2 | 260.9 | 84 | | 22,241.2 | 264.8 |
| 9 | I. C. | 1,865.7 | [1] 207.3 | | | | |

[1] Short rate-making line.

235 *Composite statement of distances to Rockford and Freeport, Illinois, from Clinton, Ind., Springfield, Ill., Linton, Ind., and southern Illinois groups*

TO ROCKFORD, ILLINOIS

| | Clinton, Indiana | Springfield, Illinois | Linton, Indiana | Southern Illinois |
|---|---|---|---|---|
| Short route | 226.5 | 198.1 | 271.0 | 327.0 |
| Average | 267.0 | 237.9 | 294.0 | 368.0 |

TO FREEPORT, ILLINOIS

| | | | | |
|---|---|---|---|---|
| Short route | 258.6 | 207.3 | 307.0 | 337.0 |
| Average | 304.0 | 264.8 | 327.0 | 369.0 |

236 *Exhibit 4, I. & S. Dkt. 3843. Witness Averitt*

*Coal from Indiana to Illinois—Comparison of distances over direct route of C., M. St. P. & P., from its Clinton and Linton Mines with distances over routes in which C., M. St. P. & P. joins from central and southern Illinois*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Item no. | Origin group | Initial carrier | Origin points | Total miles | Average | Tariff route |
| 1 | Brazil-Clinton | C., M. St. P. & P. | 4 | 924 | 231 | C., M. St. P. & P. direct. |
| 2 | Linton-Sullivan | C., M. St. P. & P. | 7 | 1,925 | 275 | C., M. St. P. & P. direct. |
| 3 | Central Illinois | Alton | 20 | 5,160 | 258 | Joliet—E. J. & E.—Aurora—C., M. St. P. & P. |
| | | C. & E. I. | 5 | 1,560 | 312 | Momence—C., M. St. P. & P. |
| | | C. & I. M. | 9 | 2,070 | 230 | Cimic—I. C.—Mendota—C., M. St. P. & P. |
| | | C., B. & Q. | 6 | 1,668 | 278 | Mendota—C., M. St. P. & P. |
| | | C., C. C. & St. L. | 9 | 3,357 | 373 | Danville—N. Y. C.—Chicago—C., M. St. P. & P. |
| | | I. C. | 9 | 1,791 | 199 | Mendota—C., M. St. P. & P. |
| | | L. & M. | 3 | 783 | 261 | Mt. Olive—I. C.—Mendota—C., M. St. P. & P. |
| | | N. Y. C. & St. L. | 3 | 741 | 247 | Ramsey—I. C.—Mendota—C., M. St. P. & P. |
| | | Penna. | 1 | 335 | 335 | Peoria—Alton—Granville—C., M. St. P. & P. |
| | | S. T. | 1 | 201 | 201 | Springfield—I. C.—Mendota—C., M. St. P. & P. |
| | | Wabash | 9 | 2,475 | 275 | Manhattan—C., M. St. P. & P. |
| | | Total | 75 | 20,141 | 269 | |
| 4 | Southern Illinois | C. & E. I. | 7 | 2,625 | 375 | Momence—C., M. St. P. & P. |
| | | C., B. & Q. | 9 | 3,492 | 388 | Mendota—C., M. St. P. & P. |
| | | C., C. C. & St. L. | 6 | 2,388 | 398 | Danville—N. Y. C.—Momence—C., M. St. P. & P. |
| | | I. C. | 19 | 6,213 | 327 | Mendota—C., M. St. P. & P. |
| | | Mo. Pac. | 13 | 5,343 | 411 | Benton—C. & E. I.—Chicago—C., M. St. P. & P. |
| | | Mo. Pac. | 6 | 2,070 | 345 | Marion—I. C.—Mendota—C., M. St. St. P. & P. |
| | | Total | 60 | 22,131 | 369 | |

*Coal from Indiana to Illinois—Comparison of distances over direct route of C., M. St. P. & P. from its Clinton and Linton mines, with distances over routes in which C., M. St. P. & P., joins from central and southern Illinois*—Continued

FREEPORT

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Item no. | Origin group | Initial carrier | Origin points | Total miles | Average | Tariff route |
| 5 | Brazil-Clinton | C., M. St. P. & P. | 4 | 1,084 | 271 | C., M. St. P. & P., direct. |
| 6 | Linton-Sullivan | C., M. St. P. & P. | 7 | 2,205 | 315 | C., M. St. P. & P., direct. |
| 7 | Central Illinois | Alton | 20 | 5,940 | 297 | Joliet—E. J. & E.—Spaulding—C., M. St. P. & P. |
| | | C. & E. I. | 5 | 1,695 | 339 | Momence—C., M. St. P. & P. |
| | | C. & I. M. | 9 | 2,457 | 273 | Cimic—I. C.—Mendota—C., M. St. P. & P. |
| | | C. B. & Q. | 6 | 1,926 | 321 | Mendota—C., M. St. P. & P. |
| | | C., C. C. & St. L. | 9 | 3,717 | 413 | Danville—N. Y. C.—Chicago—C., M. St. P. & P. |
| | | I. C. | 9 | 2,178 | 242 | Mendota—C., M. St. P. & P. |
| | | L. & M. | 3 | 912 | 304 | Mt. Olive—I. C.—Mendota—C., M. St. P. & P. |
| | | N. Y. C. & St. L. | 3 | 870 | 290 | Ramsey—I. C.—Mendota—C., M. St. P. & P. |
| | | Penna. | 1 | 339 | 339 | Peoria—Alton—Granville—C., M. St. P. & P. |
| | | S. T. | 1 | 244 | 244 | Springfield—I. C.—Mendota—C., M. St. P. & P. |
| | | Wabash | 9 | 2,853 | 317 | Manhattan—C., M. St. P. & P. |
| | | Total | 75 | 23,131 | 309 | |
| 8 | Southern Illinois | C. & E. I. | 7 | 2,919 | 417 | Momence—C., M. St. & P. P. |
| | | C. B. & Q. | 9 | 3,879 | 431 | Mendota—C., M. St. P. & P. |
| | | C. C. C. & St. L. | 6 | 2,694 | 449 | Danville—N. Y. C.—Chicago—C., M. St. P. & P. |
| | | I. C. | 19 | 7,030 | 370 | Mendota—C., M. St. P. & P. |
| | | Mo. Pac. | 14 | 6,986 | 499 | E. St. Louis—Alton—Joliet—E. J. & E.—Spaulding—C., M. St. P. & P. |
| | | Mo. Pac. | 6 | 3,066 | 511 | E. St. Louis—Alton—Joliet—E. J. & E.—Spaulding—C., M. St. P. & P. |
| | | Total | 61 | 26,574 | 436 | |

COMPOSITE—ROCKFORD AND FREEPORT

| | | | | | | |
|---|---|---|---|---|---|---|
| 9 | Brazil-Clinton | Items 1-5 | 8 | 2,008 | 251 | |
| 10 | Linton-Sullivan | Items 2-6 | 14 | 4,130 | 295 | |
| 11 | Central Illinois | Items 3-7 | 150 | 43,272 | 288 | |
| 12 | Southern Illinois | Items 4-8 | 121 | 48,705 | 403 | |

238 *Exhibit 6. I. & S. Docket 3843*

*Coal from Indiana to Illinois—Statement showing distances and rates from Clinton, Linton, Ind.; southern Illinois; and western Kentucky group mines to Rockford, Ill., via lines serving both origin groups and destination*

[Rates in cents per ton]

| To Rockford, Ill., from— | Number of billing points | Route | Total miles | Av. miles | Rate | Percent of H. & H.[1] scale | I. C. C. 23922[2] scale |
|---|---|---|---|---|---|---|---|
| Clinton group | 4 | C., M., St. P. & P. | 924 | 231 | [3]170 | 69 | 199 |
| | | | | | 187 | 75 | |
| Linton group | 7 | C., M., St. P. & P. | 1,925 | 275 | [3]175 | 65 | 207 |
| | | | | | 192 | 70 | |
| Springfield group | 6 | C., B. & Q. | 1,692 | 282 | 170 | 61 | 215 |
| | 9 | I. C. | 2,123 | 236 | 170 | 69 | 199 |
| Southern Illinois group | 18 | C., B. & Q. | 7,254 | 403 | 200 | 56 | 255 |
| | 25 | I. C. | 9,130 | 365 | 200 | 61 | 239 |
| Western Kentucky group | 38 | I. C. | 19,160 | 504 | 235 | 58 | 287 |

[1] Holmes & Hallowell, 69 I. C. C. 11.
[2] I. C. C. 23922 (sub. 2) mimeographed.
[3] Rate under suspension.

239 *Exhibit 7. Waffle*

240 *Exhibit 8, Waffle*

*Statement of average distances via Short Tariff Routes from Brazil-Clinton, Linton-Sullivan, and southern Illinois to points shown herein*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Origin group | Initial carrier | Total billing points | Total miles | Average | Rate | Short tariff routes |
| Brazil-Clinton | B. & O. | 3 | 741 | 247 | 187 | West Dana, C., M., St. P. & P. |
| | C. & E. I. | 5 | 1,205 | 241 | 187 | Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 924 | 231 | 187 | C., M., St. P. & P. direct. |
| | C., C., C. & St. L. | 4 | 1,068 | 267 | 187 | Danville, N. Y. C.; Momence, C., M., St. P. & P. |
| | Penna. | 7 | 2,324 | 332 | 187 | Chicago, I. C. |
| | Total | 23 | 6,262 | 272 | ------ | |
| Linton-Sullivan | C. & E. I. | 13 | 3,523 | 271 | 192 | Momence, C., M., St. P. & P. |
| | C., I. & L. | 4 | 1,276 | 319 | 192 | Shelby, N. Y. C.; Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 7 | 1,925 | 275 | 192 | C., M., St. P. & P. direct. |
| | C., C., C. & St. L. | 5 | 1,445 | 289 | 192 | Danville, N. Y. C.; Momence, C., M., St. P. & P. |
| | I. C. | 6 | 1,848 | 308 | 192 | Mendota, C., M., St. P. & P. |
| | Penna. | 5 | 1,920 | 384 | 192 | Chicago, I. C. |
| | Total | 40 | 11,937 | 298 | ------ | |
| Southern Illinois | C. & E. I. | 7 | 2,625 | 375 | 200 | Momence, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,492 | 388 | 200 | Mendota, C., M., St. P. & P. |
| | C., C., C. & St. L. | 6 | 2,352 | 392 | 200 | Danville, N. Y. C.; Gibson, I. H. B.; Proviso, C. & N. W. |
| | I. C. | 19 | 6,213 | 327 | 200 | Mendota, C., M., St. P. & P. |
| | Mo. Pac. | 21 | 8,291 | 395 | 200 | (1). |
| | Total | 62 | 22,973 | 371 | ------ | |

[1] Group 1 via Benton, C. & E. I.; Chicago, C., M., St. P. & P. Group 16 via East St. Louis, L. & M.; Benld, C. & N. W. Group 17 via Marion, I. C.; Mendota, C., M., St. P. & P.

*Statement of average distances via Short Tariff Routes from Brazil-Clinton, Linton-Sullivan, and southern Illinois to points shown herein*—Continued

FREEPORT

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Origin group | Initial carrier | Total billing points | Total miles | Average | Rate | Short tariff routes |
| Brazil-Clinton | B. & O. | 3 | 858 | 286 | 187 | Decatur, I. C. |
| | C. & E. I. | 5 | 1,365 | 273 | 187 | Hawthorne, I. C. |
| | C., M., St. P. & P. | 4 | 1,040 | 260 | 187 | Delmar, C., M. & G.; De Kalb, C. & N. W. |
| | C., C., C. & St. L. | 4 | 1,224 | 306 | 187 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | Penna. | 7 | 2,513 | 359 | 187 | Chicago, I. C. |
| | Total | 23 | 7,000 | 304 | ------ | |
| Linton-Sullivan | C. & E. I. | 13 | 3,939 | 303 | 192 | Hawthorne, I. C. |
| | C., I. & L. | 4 | 1,396 | 349 | 192 | Hammond, I. H. B.; Proviso, C. & N. W. |
| | C., M., St. P. & P. | 7 | 2,128 | 304 | 192 | Delmar, C., M. & G.; De Kalb, C. & N. W. |
| | C., C., C. & St. L. | 5 | 1,645 | 329 | 192 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | I. C. | 6 | 1,908 | 318 | 192 | I. C. direct. |
| | Penna. | 5 | 2,055 | 411 | 192 | Chicago, I. C. |
| | Total | 40 | 13,071 | 327 | ------ | |
| Southern Illinois | C. & E. I. | 7 | 2,366 | 338 | 200 | Sullivan, I. C. |
| | C., B. & Q. | 9 | 3,879 | 431 | 200 | Mendota, C., M., St. P. & P. |
| | C., C., C. & St. L. | 6 | 2,460 | 410 | 200 | Bloomington, I. C. |
| | I. C. | 19 | 6,403 | 337 | 200 | I. C. direct. |
| | Mo. Pac. | 22 | 9,596 | 436 | 200 | (1). |
| | Total | 63 | 24,704 | 392 | ------ | |

FORRESTON

| | | | | | | |
|---|---|---|---|---|---|---|
| Brazil-Clinton | B. & O. | 3 | 786 | 262 | 180 | West Dana, C., M., St. P. & P. |
| | C. & E. I. | 5 | 1,250 | 250 | 180 | Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 984 | 246 | 180 | Delmar, C., M. & G.; Kirkland, C., M., St. P. & P. |
| | C., C., C. & St. L. | 4 | 1,208 | 302 | 180 | Danville, N. Y. C.; Hartsdale, E., J. & E.; Wayne, C., A. & E.; Elgin, C., M., St. P. & P. |
| | Penna. | 7 | 2,464 | 352 | 187 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 23 | 6,692 | 291 | ------ | |
| Linton-Sullivan | C. & E. I. | 13 | 3,640 | 280 | 185 | Momence, C., M., St. P. & P. |
| | C., I. & L. | 4 | 1,364 | 341 | 192 | Chicago, C., M., St. P. & P. |
| | C., M., St. P. & P. | 7 | 2,030 | 290 | 185 | Delmar, C., M. & G.; Kirkland, C., M., St. P. & P. |
| | C., C., C. & St. L. | 5 | 1,575 | 315 | 185 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 6 | 1,938 | 323 | 192 | Mendota, C., M., St. P. & P. |
| | Penna. | 5 | 2,020 | 404 | 192 | Logansport, Penna; Chicago, C., M., St. P. & P. |
| | Total | 40 | 12,567 | 314 | ------ | |
| Southern Illinois | C. & E. I. | 7 | 2,688 | 384 | 200 | Momence, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,627 | 403 | 200 | Mendota, C., M., St. P. & P. |
| | C., C., C. & St. L. | 6 | 2,544 | 424 | 200 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 19 | 6,498 | 342 | 200 | Mendota, C., M., St. P. & P. |
| | Mo. Pac. | 20 | 8,754 | 438 | 200 | (2). |
| | Total | 61 | 24,111 | 395 | ------ | |

(1) Group 1 via East St. Louis, L. & M.; Benld, C. & N. W. Group 10 via Valley Junction, I. C. Group 17 via Marion, I. C.

(2) Group 1 via East St. Louis, Alton, Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. Group 17 via Marion, I. C.; Mendota, C., M., St. P. & P.

*Statement of average distances via Short Tariff Routes from Brazil-Clinton, Linton-Sullivan, and southern Illinois to points shown herein*—Continued

241

BYRON

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Origin group | Initial carrier | Total billing points | Total miles | Average | Rate | Short tariff routes |
| Brazil-Clinton | B. & O. | 3 | 732 | 244 | 180 | West Dana, C., M., St. & P. |
| | C. & E. I. | 5 | 1,160 | 232 | 180 | Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 912 | 228 | 180 | Delmar, C. M. & G; Kirkland, C., M., St. P. & P. |
| | C., C., C. & St. L. | 4 | 1,096 | 274 | 180 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | Penna. | 7 | 2,338 | 334 | 187 | Logansport, Penna; Chicago, C., C., St. P. & P. |
| | Total | 23 | 6,238 | 271 | | |
| Linton-Sullivan | C. & E. I. | 13 | 3,406 | 262 | 185 | Momence, C., M., St. P. & P. |
| | C., I. & L. | 4 | 1,292 | 323 | 192 | Chicago, C., M., St. P. & P. |
| | C., M., St. P. & P. | 7 | 1,904 | 272 | 185 | Delmar, C., M. & G.; Kirkland, C., M., St. P. & P. |
| | C., C., C. & St. L. | 5 | 1,485 | 297 | 185 | Danville, N. Y. C.; Chicago, C. M., St. P. & P. |
| | I. C. | 6 | 1,830 | 305 | 185 | Mendota, C., M., St. P. & P. |
| | Penna. | 5 | 1,930 | 386 | 192 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 40 | 11,847 | 296 | | |
| Southern Illinois | C. & E. I. | 7 | 2,562 | 366 | 200 | Momence, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,465 | 385 | 200 | Mendota, C., M., St. P. & P. |
| | C., C., C. & St. P. | 6 | 2,436 | 406 | 200 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 19 | 6,156 | 324 | 200 | Mendota, C., M., St. P. & P. |
| | Mo. Pac. | 20 | 8,394 | 420 | 200 | (1). |
| | Total | 61 | 23,013 | 377 | | |

DAVIS JUNCTION

| | | | | | | |
|---|---|---|---|---|---|---|
| Brazil-Clinton | B. & O. | 3 | 705 | 235 | 180 | West Dana, C., M., St. P. & P. |
| | C. & E. I. | 5 | 1,115 | 223 | 180 | Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 876 | 219 | 180 | Delmar, C., M. & G.; Kirkland, C., M., St. P. & P. |
| | C., C., C. & St. L. | 4 | 1,060 | 265 | 180 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | Penna. | 7 | 2,275 | 325 | 187 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 23 | 6,031 | 262 | | |
| Linton-Sullivan | C. & E. I. | 13 | 3,289 | 253 | 185 | Momence, C., M., St. P. & P. |
| | C., I. & L. | 4 | 1,256 | 314 | 192 | Chicago, C., M., St. P. & P. |
| | C., M., St. P. & P. | 7 | 1,841 | 263 | 185 | Delmar, C., M. & G.; Kirkland, C., M., St. P. & P. |
| | C., C., C. & St. L. | 5 | 1,440 | 288 | 185 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 6 | 1,776 | 296 | 185 | Mendota, C., M., St. P. & P. |
| | Penna. | 5 | 1,885 | 377 | 192 | Logansport, Penna; Chicago, C., M., St. P. & P. |
| | Total | 40 | 11,487 | 287 | | |
| Southern-Illinois | C. & E. I. | 7 | 2,499 | 357 | 200 | Momence, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,384 | 376 | 200 | Mendota, C., M., St. P. & P. |
| | C., C., C. & St. L. | 6 | 2,382 | 397 | 200 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 19 | 5,985 | 315 | 200 | Mendota, C., M., St. P. & P. |
| | Mo. Pac. | 20 | 8,214 | 411 | 200 | (1). |
| | Total | 61 | 22,464 | 368 | | |

(1) Group 1 via East St. Louis, Alton, Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. Group 17 via Marion, I. C.; Mendota, C., M., St. P. & P.

*Statement of average distances via Short Tariff Routes from Brazil-Clinton, Linton-Sullivan, and southern Illinois to points shown herein*—Continued

KIRKLAND

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Origin group | Initial carrier | Total billing points | Total miles | Average | Rate | Short tariff routes |
| Brazil-Clinton | B. & O. | 3 | 666 | 222 | 180 | West-Dana, C., M., St. P. & P. |
| | C. & E. I. | 5 | 1,050 | 210 | 180 | Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 824 | 206 | 180 | Delmar, C., M. & G.; Kirkland, C., M., St. P. & P. |
| | C., C., C. & St. L. | 4 | 968 | 242 | 180 | Danville, N. Y. C.; Momence, C., M., St. P. & P. |
| | Penna. | 7 | 2,184 | 312 | 180 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 23 | 5,692 | 247 | ----- | |
| Linton-Sullivan | C. & E. I. | 13 | 3,120 | 240 | 185 | Momence, C., M., St. P. & P. |
| | C., I. & L. | 4 | 1,204 | 301 | 192 | Chicago, C., M., St. P. & P. |
| | C., M., St. P. & P. | 7 | 1,750 | 250 | 185 | Delmar, C., M. & G.; Kirkland, C., M., St. P. & P. |
| | C., C., C. & St. L. | 5 | 1,320 | 264 | 185 | Danville, N. Y. C.; Momence, C. M., St. P. & P. |
| | I. C. | 6 | 1,698 | 283 | 185 | Mendota, C., M., St. P. & P. |
| | Penna. | 5 | 1,820 | 364 | 185 | Logansport, Penna; Chicago, C., M., St. P. & P. |
| | Total | 40 | 10,912 | 273 | ----- | |
| Southern-Illinois | C. & E. I. | 7 | 2,408 | 344 | 210 | Momence, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,267 | 363 | 210 | Mendota, C., M., St. P. & P. |
| | C., C., C. & St. L. | 6 | 2,010 | 335 | 210 | Danville, N. Y. C.; Momence, C., M., St. P. & P. |
| | I. C. | 19 | 5,738 | 302 | 210 | Mendota, C., M., St. P. & P. |
| | Mo. Pac. | 20 | 7,954 | 398 | 210 | (1). |
| | Total | 61 | 21,377 | 350 | ----- | |

242

GENOA

| | | | | | | |
|---|---|---|---|---|---|---|
| Brazil-Clinton | B. & O. | 3 | 684 | 228 | 180 | West Dana., C., M., St. P. & P. |
| | C. & E. I. | 5 | 1,120 | 224 | 180 | Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 844 | 211 | 180 | Faithorn and Bensenville, C., M., St. P. & P. |
| | C., C., C. & St. L. | 4 | 976 | 244 | 180 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | Penna. | 7 | 2,128 | 304 | 180 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 23 | 5,752 | 250 | ----- | |
| Linton-Sullivan | C. & E. I. | 13 | 3,302 | 254 | 185 | Momence, C., M., St. P. & P. |
| | C., I. & L. | 4 | 1,172 | 293 | 192 | Chicago, C., M., St. P. & P. |
| | C., M., St. P. & P. | 7 | 1,785 | 255 | 185 | Faithorn and Bensenville, C., M. St. P. & P. |
| | C., C., C. & St. L. | 5 | 1,335 | 267 | 185 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 6 | 1,902 | 317 | 185 | Mendota, C., M., St. P. & P. |
| | Penna. | 5 | 1,780 | 356 | 185 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 40 | 11,276 | 282 | ----- | |
| Southern Illinois | C. & E. I. | 7 | 2,506 | 358 | 210 | Momence, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,573 | 397 | 210 | Mendota, C., M., St. P. & P. |
| | C., C., C. & St. L. | 6 | 2,256 | 376 | 210 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 19 | 6,384 | 336 | 210 | Mendota, C., M., St. P. & P. |
| | Mo. Pac. | 20 | 8,060 | 403 | 210 | (1). |
| | Total | 61 | 22,779 | 373 | ----- | |

1 Group 1 via East St. Louis, Alton, Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. Group 17 via Marion, I. C.; Mendota, C., M., St. P. & P

*Statement of average distances via Short Tariff Routes from Brazil-Clinton, Linton-Sullivan, and southern Illinois to points shown herein*—Continued

ELGIN

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Origin group | Initial carrier | Total billing points | Total miles | Average | Rate | Short tariff routes |
| Brazil-Clinton | B. & O. | 3 | 615 | 205 | 180 | West Dana, C., M., St. P. & P. |
| | C. & E. I. | 5 | 1,025 | 205 | 180 | Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 752 | 188 | 180 | Faithorn and Bensenville, C., M., St. P. & P. |
| | C., C., C. & St. L. | 4 | 888 | 222 | 180 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | Penna. | 7 | 1,974 | 282 | 180 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 23 | 5,254 | 228 | | |
| Linton-Sullivan | C. & E. I. | 13 | 3,055 | 235 | 185 | Momence, C., M., St. P. & P. |
| | C., I. & L. | 4 | 1,084 | 271 | 185 | Chicago, C., M., St. P. & P. |
| | C., M., St. P. & P. | 7 | 1,624 | 232 | 185 | Faithorn and Bensenville, C., M., St. P. & P. |
| | C., C., C. & St. L. | 5 | 1,225 | 245 | 185 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 6 | 2,040 | 340 | 185 | Mendota, C., M., St. P. & P. |
| | Penna. | 5 | 1,670 | 334 | 185 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 40 | 10,698 | 267 | | |
| Southern Illinois | C. & E. I. | 7 | 2,373 | 339 | 210 | Momence, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,663 | 407 | 210 | Aurora, C. & N. W. |
| | C., C., C. & St. L. | 6 | 2,124 | 354 | 210 | Danville, N. Y. C.; Chicago, C. M., St. P. & P. |
| | I. C. | 19 | 6,821 | 359 | 210 | Mendota, C., M., St. P. & P. |
| | Mo. Pac. | 23 | 9,172 | 399 | 210 | (4). |
| | Total | 64 | 24,153 | 377 | | |

BENSENVILLE

| | | | | | | |
|---|---|---|---|---|---|---|
| Brazil-Clinton | B. & O. | 3 | 558 | 186 | 180 | West Dana, C., M., St. P. & P. |
| | C. & E. I. | 5 | 935 | 187 | 180 | Chicago, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 676 | 169 | 180 | Faithorn and Bensenville, C., M., St. P. & P. |
| | C., C., C. & St. L. | 4 | 808 | 202 | 180 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | Penna. | 7 | 1,834 | 262 | 180 | Logansport, Penna.; Chicago, C., M., St. P. & P. |
| | Total | 23 | 4,811 | 209 | | |
| Linton-Sullivan | C. & E. I. | 13 | 2,821 | 217 | 185 | Chicago, C., M., St. P. & P. |
| | C. I. & L. | 4 | 1,004 | 251 | 185 | Chicago, C., M., St. P. & P. |
| | C., M., St. P. & P. | 7 | 1,491 | 213 | 185 | Faithorn and Bensenville, C., M., St. P. & P. |
| | C., C., C. & St. L. | 5 | 1,125 | 225 | 185 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 6 | 1,692 | 282 | 185 | Chicago, C., M., St. P. & P. |
| | Penna. | 5 | 1,185 | 237 | 185 | Beehunter, C., M., St. P. & P. |
| | Total | 40 | 9,318 | 233 | | |
| Southern Illinois | C. & E. I. | 7 | 2,247 | 321 | 210 | Chicago, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,906 | 434 | 210 | Chicago, C., M., St. P. & P. |
| | C., C., C. & St. L. | 6 | 2,004 | 334 | 210 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| | I. C. | 19 | 6,289 | 331 | 210 | Chicago, C., M., St. P. & P. |
| | Mo. Pac. | 20 | 7,876 | 394 | 210 | (3). |
| | Total | 61 | 22,322 | 366 | | |

[4] Group 1 via East St. Louis, Alton, Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. Group 10 via East St. Louis, L. & M.; Benld, C. & N. W. Group 17 via Marion, I. C.; Mendota, C., M., St. P. & P.
[3] Group 1 via East St. Louis, Alton, Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. Group 17 via Marion I. C.; Chicago, C., M., St. P. & P.

*Statement of average distances via Short Tariff Routes from Brazil-Clinton, Linton-Sullivan, and southern Illinois to points shown herein*—Continued

243 DE KALB

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Origin group | Initial carrier | Total billing points | Total miles | Average | Rate | Short tariff routes |
| Brazil-Clinton | B. & O. | 3 | 630 | 210 | 174 | West Dana, C., M., St. P. & P. |
| | C. & E. I. | 5 | 1,020 | 204 | 174 | Momence, C., M., St. P. & P. |
| | C., M., St. P. & P. | 4 | 776 | 194 | 174 | C., M., St. P. & P. direct. |
| | C., C., C. & St. L. | 4 | 920 | 230 | 174 | Danville, N. Y. C.; Momence, C., M., St. P. & P. |
| | Penna | 7 | 2,121 | 303 | 174 | Chicago, C. & N. W. |
| | Total | 23 | 5,467 | 238 | ----- | |
| Linton-Sullivan | C. & E. I. | 13 | 3,042 | 234 | 179 | Momence, C., M., St. P. & P. |
| | C. I. & L. | 4 | 1,168 | 292 | 179 | Chicago, C. & N. W. |
| | C., M., St. P. & P. | 7 | 1,666 | 238 | 179 | C., M., St. P. & P. direct. |
| | C., C., C. & St. L. | 5 | 1,260 | 252 | 179 | Danville, N. Y. C.; Momence, C., M., St. P. & P. |
| | I. C | 6 | 1,938 | 323 | 179 | Matteson, E. J. & E.; Ingalton, C. G. W. |
| | Penna | 5 | 1,775 | 355 | 179 | Chicago, C. & N. W. |
| | Total | 40 | 10,849 | 271 | ----- | |
| Southern Illinois | C. & E. I. | 7 | 2,366 | 338 | 190 | Momence, C., M., St. P. & P. |
| | C., B. & Q. | 9 | 3,024 | 336 | 190 | Virden, C. & N. W. |
| | C., C., C. & St. L. | 6 | 1,938 | 323 | 190 | Danville, N. Y. C.; Momence, C., M., St. P. & P. |
| | I. C | 19 | 6,783 | 357 | 190 | Matteson, E. J. & E.; Aurora, C., M., St. P. & P. |
| | Mo. Pac. | 23 | 8,869 | 384 | 190 | (9). |
| | Total | 64 | 22,980 | 359 | ----- | |

9 Group 1 via East St. Louis, L. & M.; Benld, C. & N. W. Group 10 via East St. Louis, L. & M.; Benld, C. & N. W. Group 17 via Marion, C. & E. I.; Momence, C., M., St. P. & P.

244 *Exhibit 9, Waffle*

*Statement of average distances via Short Tariff Routes from central Illinois to points shown herein*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Initial carrier | Total billing points | Total miles | Average | Rate | Route |
| Alton | 20 | 4,900 | 245 | 170 | Peoria, C. & N. W. |
| B. & O. | 5 | 1,230 | 246 | 170 | Bando, C. & N. W. |
| C. & E. I. | 5 | 1,490 | 298 | 170 | Hawthorne, I. C. |
| C. & I. M. | 9 | 2,070 | 230 | 170 | Cimic, I. C.; Mendota, C., M., St. P. & P. |
| C. & N. W. | 14 | 3,262 | 233 | 170 | C. & N. W., direct. |
| C., B. & Q. | 6 | 1,668 | 278 | 170 | Mendota, C., M., St. P. & P. |
| C., S. & St. L. | 2 | 472 | 236 | 170 | Springfield, I. C. |
| C., C., C. & St. L. | 8 | 2,280 | 285 | 170 | Pana, I. C. |
| I. C. | 9 | 1,791 | 199 | 170 | Mendota, C., M., St. P. & P. |
| Ill. Term. | 6 | 1,656 | 276 | 170 | Peoria, C. & N. W. |
| L. & M. | 3 | 783 | 261 | 170 | Mt. Olive, I. C.; Mendota, C., M. St. P. & P. |
| N. Y. C. & St. L. | 3 | 741 | 247 | 170 | Ramsey, I. C.; Mendota, C., M., St. P. & P. |
| Penna. | 1 | 252 | 252 | 170 | Peoria, C. & N. W. |
| S. T. | 1 | 201 | 201 | 170 | Springfield, I. C., Mendota, C., M., St. P. & P. |
| Wabash | 8 | 2,048 | 256 | 170 | Decatur, I. C. |
| Total | 100 | 24,544 | 245 | ----- | |

*Statement of average distances via Short Tariff Routes from central Illinois to points shown herein*—Continued

FREEPORT

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Initial carrier | Total billing points | Total miles | Average | Rate | Route |
| Alton | 20 | 5,460 | 273 | 170 | Peoria, C. & N. W. |
| B. & O | 5 | 1,375 | 275 | 170 | Bando, C. & N. W. |
| C. & E. I | 5 | 1,490 | 326 | 170 | Hawthorne, I. C. |
| C. & I. M | 9 | 2,160 | 240 | 170 | Cimic, I. C. |
| C. & N. W | 14 | 3,654 | 261 | 170 | C. & N. W., direct. |
| C., B. & Q | 6 | 1,926 | 321 | 170 | Mendota, C., M., St. P. & P. |
| C., S. & St. L | 2 | 418 | 209 | 170 | Springfield, I. C. |
| C., C., C. & St. L | 8 | 2,056 | 257 | 170 | Pana, I. C. |
| I. C | 9 | 1,872 | 208 | 170 | I. C., direct. |
| Ill. Term | 6 | 1,824 | 304 | 170 | Peoria, C. & N. W. |
| L. & M | 3 | 810 | 270 | 170 | Mt. Olive, I. C. |
| N. Y. C. & St. L | 3 | 768 | 256 | 170 | Ramsey, I. C. |
| Penna | 1 | 280 | 280 | 170 | Peoria, C. & N. W. |
| S. T | 1 | 211 | 211 | 170 | Springfield, I. C. |
| Wabash | 8 | 1,824 | 228 | 170 | Decatur, I. C. |
| Total | 100 | 26,128 | 261 | ------ | |

FORRESTON

| | | | | | |
|---|---|---|---|---|---|
| Alton | 20 | 5,400 | 270 | 170 | Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. |
| B. & O | 4 | 1,132 | 283 | 170 | Springfield-Alton-Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. |
| C. & E. I | 5 | 1,560 | 312 | 170 | Momence, C., M., St. P. & P. |
| C. & I. M | 9 | 2,214 | 246 | 170 | Cimic, I. C.; Mendota, C., M., St. P. & P. |
| C. & N. W | | | | | |
| C., B. & Q | 6 | 1,764 | 294 | 170 | Mendota, C., M., St. P. & P. |
| C. S. & St. L | 2 | 568 | 284 | 170 | Springfield-Wabash-Manhattan, C., M., St. P. & P. |
| C., C., C. & St. L | 9 | 3,483 | 387 | 170 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| I. C | 9 | 1,935 | 215 | 170 | Mendota, C., M., St. P. & P. |
| Ill. Term | | | | | |
| L. & M | 3 | 831 | 277 | 170 | Mt. Olive, I. C.; Mendota, C., M., St. P. & P. |
| N. Y. C. & St. L | 3 | 921 | 307 | 170 | Neoga, I. C.; Mendota, C., M., St. P. & P. |
| Penna | 1 | 355 | 355 | 170 | Peoria-Alton-Granville, C., M., St. P. & P. |
| S. T | 1 | 217 | 217 | 170 | Springfield, I. C.; Mendota, C., M., St. P. & P. |
| Wabash | 9 | 2,610 | 290 | 170 | Manhattan, C., M., St. P. & P. |
| Total | 81 | 22,990 | 284 | ------ | |

245

BYRON

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Initial carrier | Total billing points | Total miles | Average | Rate | Route |
| Alton | 20 | 5,040 | 252 | 170 | Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. |
| B. & O | 4 | 1,060 | 265 | 170 | Springfield-Alton-Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. |
| C. & E. I | 5 | 1,450 | 294 | 170 | Momence, C., M., St. P. & P. |
| C. & I. M | 9 | 2,052 | 228 | 170 | Cimic, I. C.; Mendota, C., M., St. P. & P. |
| C. & N. W | | | | | |
| C., B. & Q | 6 | 1,656 | 276 | 170 | Mendota, C., M., St. P. & P. |
| C. S. & St. L | 2 | 532 | 266 | 170 | Springfield-Wabash-Manhattan, C., M., St. P. & P. |
| C., C., C. & St. L | 9 | 3,321 | 369 | 170 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| I. C | 9 | 1,773 | 197 | 170 | Mendota, C., M., St. P. & P. |
| Ill. Term | | | | | |
| L. & M | 3 | 777 | 259 | 170 | Mt. Olive, I. C.; Mendota, C., M., St. P. & P. |
| N. Y. C. & St. L | 3 | 867 | 289 | 170 | Neoga, I. C.; Mendota, C., M., St. P. & P. |
| Penna | 1 | 335 | 335 | 170 | Peoria-Alton-Granville, C., M., St. P. & P. |
| S. T | 1 | 199 | 199 | 170 | Springfield, I. C.; Mendota, C., M., St. P. & P. |
| Wabash | 9 | 2,448 | 272 | 170 | Manhattan, C., M., St. P. & P. |
| Total | 81 | 21,510 | 266 | ------ | |

*Statement of average distances via Short Tariff Routes from central Illinois to points shown herein*—Continued

DAVIS JUNCTION

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Initial carrier | Total billing points | Total miles | Average | Rate | Route |
| Alton | 20 | 4,980 | 249 | 170 | Granville, C., M., St. P. & P. |
| B. & O | 4 | 1,152 | 288 | 170 | Springfield-Alton-Granville, C., M., St. P. & P. |
| C. & E. I | 5 | 1,425 | 285 | 170 | Momence, C., M., St. P. & P. |
| C. & I. M | 9 | 1,971 | 219 | 170 | Cimic, I. C.; Mendota, C., M., St. P. & P. |
| C. & N. W | | | | | |
| C., B. & Q | 6 | 1,602 | 267 | 170 | Mendota, C., M., St. P. & P. |
| C. S. & St. L | 2 | 514 | 257 | 170 | Springfield-Wabash-Manhattan, C., M., St. P. & P. |
| C., C., C. & St. L | 9 | 3,240 | 360 | 170 | Danville, N. Y. C.; Chicago, C., M., St. P. & P. |
| I. C | 9 | 1,692 | 188 | 170 | Mendota, C., M., St. P. & P. |
| Ill. Term | | | | | |
| L. & M | 3 | 750 | 250 | 170 | Mt. Olive, I. C.; Mendota, C., M., St. P. & P. |
| N. Y. C. & St. L | 3 | 840 | 280 | 170 | Neoga, I. C.; Mendota, C., M., St. P. & P. |
| Penna | 1 | 326 | 326 | 170 | Peoria-Alton-Granville, C., M., St. P. & P. |
| S. T | 1 | 190 | 190 | 170 | Springfield, I. C.; Mendota, C., M., St. P. & P. |
| Wabash | 9 | 2,367 | 263 | 170 | Manhattan, C., M., St. P. & P. |
| Total | 81 | 21,049 | 260 | ------ | |

KIRKLAND

| | | | | | |
|---|---|---|---|---|---|
| Alton | 20 | 4,600 | 230 | 170 | Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. |
| B. & O | 4 | 972 | 243 | 170 | Springfield-Alton-Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. |
| C. & E. I | 5 | 1,360 | 272 | 170 | Momence, C., M., St. P. & P. |
| C. & I. M | 9 | 1,854 | 206 | 170 | Cimic, I. C.; Mendota, C., M., St. P. & P. |
| C. & N. W | | | | | |
| C., B. & Q | 6 | 1,524 | 254 | 170 | Mendota, C., M., St. P. & P. |
| C. S. & St. L | 2 | 466 | 233 | 170 | Springfield-Wabash-Manhattan, C., M., St. P. & P. |
| C., C. C. & St. L | 9 | 3,123 | 347 | 170 | Danville, N. Y. C.; Momence, C., M., St. P. & P. |
| I. C | 9 | 1,575 | 175 | 170 | Mendota, C., M., St. P. & P. |
| Ill. Term | | | | | |
| L. & M | 3 | 711 | 237 | 170 | Mt. Olive, I. C.; Mendota, C., M., St. P. & P. |
| N. Y. C. & St. L | 3 | 801 | 267 | 170 | Neoga, I. C.; Mendota, C., M., St. P. & P. |
| Penna | 1 | 313 | 313 | 170 | Peoria-Alton-Granville, C., M., St. P. & P. |
| S. T | 1 | 177 | 177 | 170 | Springfield, I. C.; Mendota, C., M., St. P. & P. |
| Wabash | 9 | 2,250 | 250 | 170 | Manhattan, C., M., St. P & P. |
| Total | 81 | 19,726 | 244 | ------ | |

GENOA

| | | | | | |
|---|---|---|---|---|---|
| Alton | 20 | 4,460 | 223 | 170 | Joliet, E. J. & E.; Spaulding, C., M., St. P & P. |
| B. & O | 4 | 944 | 236 | 170 | Springfield-Alton-Joliet, E. J. & E.; Spaulding, C., M., St. P. & P. |
| C. & E. I | 5 | 1,400 | 280 | 170 | Momence, C., M., St. P. & P. |
| C. & I. M | 9 | 2,151 | 239 | 170 | Cimic, I. C.; Mendota, C., M., St. P. & P. |
| C. & N. W | | | | | |
| C. B., & Q | 6 | 1,722 | 287 | 170 | Mendota, C., M., St. P. & P. |
| C. S., & St. L | 2 | 500 | 250 | 170 | Springfield-Wabash-Brisbane, E. J. & E.; Spaulding, C., M., St. P. & P. |
| C., C., C. & St. L | 9 | 3,051 | 339 | 170 | Danville, N. Y. C., Chicago. C., M., St. P. & P. |
| I. C | 9 | 1,872 | 208 | 170 | Mendota, C., M., St. P. & P. |
| Ill. Term | | | | | |
| L. & M | 3 | 810 | 270 | 170 | Mt. Olive, I. C.; Mendota, C., M., St. P. & P. |
| N. Y. C. & St. L | 3 | 900 | 300 | 170 | Neoga, I. C.; Mendota, C., M., St. P. & P. |
| Penna | 1 | 344 | 344 | 170 | Peoria-Alton-Granville, C., M., St. P. & P. |
| S. T | 1 | 210 | 210 | 170 | Springfield, I. C.; Mendota, C., M., St. P. & P. |
| Wabash | 9 | 2,313 | 257 | 170 | Brisbane, E. J. & E.; Spaulding, C., M., St. P. & P. |
| Total | 81 | 20,677 | 255 | ------ | |

*Statement of average distances via Short Tariff Routes from central Illinois to points shown herein*—Continued

[246]

ELGIN

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Initial carrier | Total billing points | Total miles | Average | Rate | Route |
| Alton | 20 | 4,000 | 200 | 170 | Joliet, E. J. & E.; Spaulding, C. M. St. P. & P. |
| B. & O | 4 | 860 | 215 | 170 | Springfield-Alton-Joliet, E. J. & E.; Spaulding, C. M. St. P. & P. |
| C. & E. I | 5 | 1,305 | 261 | 170 | Momence, C. M. St. P. & P. |
| C. & I. M | 8 | 1,960 | 245 | 170 | Taylorville-Wab.-Brisbane, E. J. & E.; Spaulding, C. M. St. P. & P. |
| C. & N. W | | | | | |
| C. B. & Q | 6 | 1,854 | 309 | 170 | Mendota, C. M. St. P. & P. |
| C. S. & St. L | 2 | 456 | 228 | 170 | Springfield-Wabash Brisbane, E. J. & E.; Spaulding, C. M. St. P. & P. |
| C. C. C. & St. L | 9 | 2,853 | 317 | 170 | Danville-N. Y. C.-Chicago, C. M. St. P. & P. |
| I. C | 9 | 2,079 | 231 | 170 | Mendota, C. M. St. P. & P. |
| Ill. Term | | | | | |
| L. & M | 3 | 879 | 293 | 170 | Mt. Olive-I. C.-Mendota, C. M. St. P. & P. |
| N. Y. C. & St. L | 3 | 969 | 323 | 170 | Neoga-I. C.-Mendota, C. M. St. P. & P. |
| Penna | 1 | 367 | 367 | 170 | Peoria-Alton-Granville, C. M. St. P. & P. |
| S. T | 1 | 192 | 192 | 170 | Springfield-Alton-Joliet, E. J. & E.; Spaulding, C. M. St. P. & P. |
| Wabash | 9 | 2,106 | 234 | 170 | Brisbane, E. J. & E.; Spaulding, C. M. St. P. & P. |
| Total | 80 | 19,880 | 249 | | |

BENSENVILLE

| | | | | | |
|---|---|---|---|---|---|
| Alton | 20 | 4,240 | 212 | 170 | Chicago, C. M. St. P. & P. |
| B. & O | 4 | 900 | 225 | 170 | Springfield-Alton-Chicago, C. M. St. P. & P. |
| C. & E. I | 5 | 1,215 | 243 | 170 | Chicago, C. M. St. P. & P. |
| C. & I. M | 9 | 2,187 | 243 | 170 | Cimic-I. C.-Chicago, C. M. St. P. & P. |
| C. & N. W | | | | | |
| C. B. & Q | 6 | 1,944 | 324 | 170 | Chicago, C. M. St. P. & P. |
| C. S. & St. L | 2 | 416 | 208 | 170 | Springfield-Wabash-Manhattan, C. M. St. P. & P. |
| C. C. C. & St. L | 8 | 2,376 | 297 | 170 | Danville-N. Y. C.-Chicago, C. M. St. P. & P. |
| I. C | 9 | 1,908 | 212 | 170 | Chicago, C. M. St. P. & P. |
| Ill. Term | | | | | |
| L. & M | 3 | 822 | 274 | 170 | Mt. Olive-I. C.-Chicago, C. M. St. P. & P. |
| N. Y. C. & St. L | 3 | 792 | 264 | 170 | Neoga-I. C.-Chicago, C. M. St. P. & P. |
| Penna | 1 | 287 | 287 | 170 | Peoria-Alton-Chicago, C. M. St. P. & P. |
| S. T | 1 | 204 | 204 | 170 | Springfield-Alton-Chicago, C. M. St. P. & P. |
| Wabash | 9 | 2,124 | 236 | 170 | Chicago, C. M. St. P. & P. |
| Total | 80 | 19,415 | 243 | | |

DE KALB

| | | | | | |
|---|---|---|---|---|---|
| Alton | 20 | 4,060 | 203 | 160 | Peoria, C. & N. W. |
| B. & O | 5 | 1,035 | 207 | 160 | Bando, C. & N. W. |
| C. & E. I | 5 | 1,300 | 260 | 160 | Momence, C. M. St. P. & P. |
| C. & I. M | 9 | 1,818 | 202 | 160 | Barr, C. & N. W. |
| C. & N. W | 14 | 2,688 | 192 | 160 | C. & N. W. direct. |
| C. B. & Q | 6 | 1,686 | 281 | 160 | Sterling, C. & N. W. |
| C. S. & St. L | 2 | 378 | 189 | 160 | Springfield, C. & I. M.; Barr, C. & N. W. |
| C. C. C. & St. L | 8 | 2,096 | 262 | 160 | Gillespie, C. & N. W. |
| I. C | 9 | 1,980 | 220 | 160 | Peoria, C. & N. W. |
| Ill. Term | 6 | 1,404 | 234 | 160 | Peoria, C. & N. W. |
| L. & M | 3 | 753 | 251 | 160 | Behld., C. & N. W. |
| N. Y. C. & St. L | 3 | 873 | 291 | 160 | Neoga-I. C.-Matteson, E. J. & E.; Aurora, C. M. St. P. & P. |
| Penna | 1 | 210 | 210 | 160 | Peoria, C. & N. W. |
| S. T | 1 | 193 | 193 | 160 | Springfield, C. & I. M.-Barr., C. & N. W. |
| Wabash | 9 | 2,142 | 238 | 160 | Manhattan, C. M. St. P. & P. |
| Total | 101 | 22,616 | 224 | | |

*Statement of average distances via Short Tariff Routes from central Illinois to points shown herein*—Continued

RECAPITULATION

| Item no. | Destination | Origin points | Total miles | Average |
|---|---|---|---|---|
| 1 | Rockford | 100 | 24,544 | 245 |
| | Freeport | 100 | 26,128 | 261 |
| | Average | 200 | 50,672 | 253 |
| 2 | Forreston | 81 | 22,990 | 284 |
| | Byron | 81 | 21,510 | 266 |
| | Davis Junction | 81 | 21,049 | 260 |
| | Average | 243 | 65,549 | 270 |
| 3 | Kirkland | 81 | 19,726 | 244 |
| | Genoa | 81 | 20,667 | 255 |
| | Elgin | 80 | 19,880 | 249 |
| | Bensenville | 80 | 19,415 | 243 |
| | Average | 322 | 79,688 | 247 |
| 4 | De Kalb | 101 | 22,616 | 224 |
| 5 | Average of items 1, 2 | 443 | 116,221 | 262 |
| 6 | Average of items 1, 2, 3 | 765 | 195,909 | 256 |
| 7 | Average of items 1, 2, 3, 4 | 866 | 218,525 | 252 |

*Statement of composite average distances over short tariff routes from Brazil-Clinton, Linton-Sullivan, central and southern Illinois to Rockford, Freeport, and intermediate points*

| Item no. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Destination | Brazil-Clinton | | | Linton-Sullivan | | | Central Illinois | | | Southern Illinois | | |
| | | Origin points | Total miles | Average | Origin points | Total miles | Average | Origin points | Total miles | Average | Origin points | Total miles | Average |
| 1 | Rockford | 23 | 6,262 | 272 | 40 | 11,937 | 298 | 100 | 24,544 | 245 | 62 | 22,973 | 371 |
| | Freeport | 23 | 7,000 | 304 | 40 | 13,071 | 327 | 100 | 26,128 | 261 | 63 | 24,704 | 392 |
| | Average | 46 | 13,262 | 288 | 80 | 25,008 | 313 | 200 | 50,672 | 253 | 125 | 47,677 | 381 |
| 2 | Forreston | 23 | 6,692 | 291 | 40 | 12,567 | 314 | 81 | 22,990 | 284 | 61 | 24,111 | 395 |
| | Byron | 23 | 6,238 | 271 | 40 | 11,847 | 296 | 81 | 21,510 | 266 | 61 | 23,013 | 377 |
| | Davis Junction | 23 | 6,031 | 262 | 40 | 11,487 | 287 | 81 | 21,049 | 260 | 61 | 22,464 | 368 |
| | Average | 69 | 18,961 | 275 | 120 | 35,901 | 299 | 243 | 65,549 | 270 | 183 | 69,588 | 380 |
| 3 | Kirkland | 23 | 5,692 | 247 | 40 | 10,912 | 273 | 81 | 19,726 | 244 | 61 | 21,377 | 350 |
| | Genoa | 23 | 5,752 | 250 | 40 | 11,276 | 282 | 81 | 20,667 | 255 | 61 | 22,779 | 373 |
| | Elgin | 23 | 5,254 | 228 | 40 | 10,698 | 267 | 80 | 19,880 | 249 | 64 | 24,153 | 377 |
| | Bensenville | 23 | 4,811 | 209 | 40 | 9,318 | 233 | 80 | 19,415 | 243 | 61 | 22,322 | 366 |
| | Average | 92 | 21,509 | 234 | 160 | 42,204 | 264 | 322 | 79,688 | 247 | 247 | 90,631 | 367 |
| 4 | De Kalb | 23 | 5,467 | 238 | 40 | 10,849 | 271 | 101 | 22,616 | 224 | 64 | 22,980 | 359 |
| 5 | Average of items 1, 2 | 115 | 32,223 | 280 | 200 | 60,909 | 305 | 443 | 116,221 | 262 | 308 | 117,265 | 381 |
| 6 | Average of items 1, 2, 3, 4 | 230 | 59,199 | 257 | 400 | 113,962 | 285 | 866 | 218,525 | 252 | 619 | 230,886 | 373 |

# *Exhibit 11, Waffle*

*Scale prescribed on bituminous coal in docket no. 23922*

| Distances | Docket 23922 scale | Percents of docket 23922 scale | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 99 | 98 | 97 | 96 | 95 | 94 | 93 | 92 | 91 | 90 | 89 | 88 | 87 | 86 | 85 | 84 | 83 | 82 | 81 | 80 | 79 | 78 | 77 | 76 | 75 | 74 | 73 | 72 | 71 | 70 |
| 10 miles and under | 65 | 64 | 64 | 63 | 62 | 62 | 61 | 60 | 60 | 59 | 59 | 58 | 57 | 57 | 56 | 55 | 55 | 54 | 53 | 53 | 52 | 51 | 51 | 50 | 49 | 49 | 48 | 47 | 47 | 46 | 46 |
| 30 miles and over 10 | 77 | 76 | 75 | 75 | 74 | 73 | 72 | 72 | 71 | 70 | 69 | 69 | 68 | 67 | 66 | 65 | 65 | 64 | 63 | 62 | 62 | 61 | 60 | 59 | 59 | 58 | 57 | 56 | 55 | 55 | 54 |
| 40 miles and over 30 | 85 | 84 | 83 | 82 | 82 | 81 | 80 | 79 | 78 | 77 | 77 | 76 | 75 | 74 | 73 | 72 | 71 | 71 | 70 | 69 | 68 | 67 | 66 | 65 | 65 | 64 | 63 | 62 | 61 | 60 | 60 |
| 50 miles and over 40 | 92 | 91 | 90 | 89 | 88 | 87 | 86 | 86 | 85 | 84 | 83 | 82 | 81 | 80 | 79 | 78 | 77 | 76 | 75 | 75 | 74 | 73 | 72 | 71 | 70 | 69 | 68 | 67 | 66 | 65 | 64 |
| 60 miles and over 50 | 99 | 98 | 97 | 96 | 95 | 94 | 93 | 92 | 91 | 90 | 89 | 88 | 87 | 86 | 85 | 84 | 83 | 82 | 81 | 80 | 79 | 78 | 77 | 76 | 75 | 74 | 73 | 72 | 71 | 70 | 69 |
| 70 miles and over 60 | 106 | 105 | 104 | 103 | 102 | 101 | 100 | 99 | 98 | 96 | 95 | 94 | 93 | 92 | 91 | 90 | 89 | 88 | 87 | 86 | 85 | 84 | 83 | 82 | 81 | 80 | 78 | 77 | 76 | 75 | 74 |
| 80 miles and over 70 | 113 | 112 | 111 | 110 | 108 | 107 | 106 | 105 | 104 | 103 | 102 | 101 | 99 | 98 | 97 | 96 | 95 | 94 | 93 | 92 | 90 | 89 | 88 | 87 | 86 | 85 | 84 | 82 | 81 | 80 | 79 |
| 90 miles and over 80 | 120 | 119 | 118 | 116 | 115 | 114 | 113 | 112 | 110 | 109 | 108 | 107 | 106 | 104 | 103 | 102 | 101 | 100 | 98 | 97 | 96 | 95 | 94 | 92 | 91 | 90 | 89 | 88 | 86 | 85 | 84 |
| 100 miles and over 90 | 127 | 126 | 124 | 123 | 122 | 121 | 119 | 118 | 117 | 116 | 114 | 113 | 112 | 110 | 109 | 108 | 107 | 105 | 104 | 103 | 102 | 100 | 99 | 98 | 97 | 95 | 94 | 93 | 92 | 90 | 89 |
| 110 miles and over 100 | 133 | 132 | 130 | 129 | 128 | 126 | 125 | 124 | 122 | 121 | 120 | 118 | 117 | 116 | 114 | 113 | 112 | 110 | 109 | 108 | 106 | 105 | 104 | 102 | 101 | 100 | 98 | 97 | 96 | 94 | 93 |
| 120 miles and over 110 | 139 | 138 | 136 | 135 | 133 | 132 | 131 | 129 | 128 | 126 | 125 | 124 | 122 | 121 | 120 | 118 | 117 | 115 | 114 | 113 | 111 | 110 | 108 | 107 | 106 | 104 | 103 | 101 | 100 | 99 | 97 |
| 130 miles and over 120 | 145 | 144 | 142 | 141 | 139 | 138 | 136 | 135 | 133 | 132 | 131 | 129 | 128 | 126 | 125 | 123 | 122 | 120 | 119 | 117 | 116 | 115 | 113 | 112 | 110 | 109 | 107 | 106 | 104 | 103 | 102 |
| 140 miles and over 130 | 150 | 149 | 147 | 146 | 144 | 143 | 141 | 140 | 138 | 137 | 135 | 134 | 132 | 131 | 129 | 128 | 126 | 125 | 123 | 122 | 120 | 119 | 117 | 116 | 114 | 113 | 111 | 110 | 108 | 107 | 105 |
| 160 miles and over 140 | 160 | 158 | 157 | 155 | 154 | 152 | 150 | 149 | 147 | 146 | 144 | 142 | 141 | 139 | 138 | 136 | 134 | 133 | 131 | 130 | 128 | 126 | 125 | 123 | 122 | 120 | 118 | 117 | 115 | 114 | 112 |
| 180 miles and over 160 | 170 | 168 | 167 | 165 | 163 | 162 | 160 | 158 | 156 | 155 | 153 | 151 | 150 | 148 | 146 | 145 | 143 | 141 | 139 | 138 | 136 | 134 | 133 | 131 | 129 | 128 | 126 | 124 | 122 | 121 | 119 |
| 200 miles and over 180 | 180 | 178 | 176 | 175 | 173 | 171 | 169 | 167 | 166 | 164 | 162 | 160 | 158 | 157 | 155 | 153 | 151 | 149 | 148 | 146 | 144 | 142 | 140 | 139 | 137 | 135 | 133 | 131 | 130 | 128 | 126 |
| 225 miles and over 200 | 190 | 188 | 186 | 184 | 182 | 181 | 179 | 177 | 175 | 173 | 171 | 169 | 167 | 165 | 163 | 162 | 160 | 158 | 156 | 154 | 152 | 150 | 148 | 146 | 144 | 143 | 141 | 139 | 137 | 135 | 133 |
| 250 miles and over 225 | 199 | 197 | 195 | 193 | 191 | 189 | 187 | 185 | 183 | 181 | 179 | 177 | 175 | 173 | 171 | 169 | 167 | 165 | 163 | 161 | 159 | 157 | 155 | 153 | 151 | 149 | 147 | 145 | 143 | 141 | 139 |
| 275 miles and over 250 | 207 | 205 | 203 | 201 | 199 | 197 | 195 | 193 | 190 | 188 | 186 | 184 | 182 | 180 | 178 | 176 | 174 | 172 | 170 | 168 | 166 | 164 | 161 | 159 | 157 | 155 | 153 | 151 | 149 | 147 | 145 |
| 300 miles and over 275 | 215 | 213 | 211 | 209 | 206 | 204 | 202 | 200 | 198 | 196 | 194 | 191 | 189 | 187 | 185 | 183 | 181 | 178 | 176 | 174 | 172 | 170 | 168 | 166 | 163 | 161 | 159 | 157 | 155 | 153 | 151 |
| SCALE EXTENDED AT 8 CENTS FOR EACH 25 MILES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 325 miles and over 300 | 223 | 221 | 219 | 216 | 214 | 212 | 210 | 207 | 205 | 203 | 201 | 198 | 196 | 194 | 192 | 190 | 187 | 185 | 183 | 181 | 178 | 176 | 174 | 172 | 169 | 167 | 165 | 163 | 161 | 158 | 156 |
| 350 miles and over 325 | 231 | 229 | 226 | 224 | 222 | 219 | 217 | 215 | 213 | 210 | 208 | 206 | 203 | 201 | 199 | 196 | 194 | 192 | 189 | 187 | 185 | 182 | 180 | 178 | 176 | 173 | 171 | 169 | 166 | 164 | 162 |
| 375 miles and over 350 | 239 | 237 | 234 | 232 | 229 | 227 | 225 | 222 | 220 | 217 | 215 | 213 | 210 | 208 | 206 | 203 | 201 | 198 | 196 | 194 | 191 | 189 | 186 | 184 | 182 | 179 | 177 | 174 | 172 | 170 | 167 |
| 400 miles and over 375 | 247 | 245 | 242 | 240 | 237 | 235 | 232 | 230 | 227 | 225 | 222 | 220 | 217 | 214 | 212 | 210 | 207 | 205 | 203 | 200 | 198 | 195 | 193 | 190 | 188 | 185 | 183 | 180 | 178 | 175 | 173 |

# *Exhibit 12, Waffle*

*H. & H. scale of rates on bituminous coal (69 I. C. C. 11) and various percents thereof*

| Distances | H. & H. scale | Percents of Holmes & Hallowell scale | | |

*H. & H. scale of rates on bituminous coal (69 I. C. C. 11) and various percents thereof*—Continued

| Distances | H. & H. scale | Percents of Holmes & Holmes scale | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 99 | 98 | 97 | 96 | 95 | 94 | 93 | 92 | 91 | 90 | 89 | 88 | 87 | 86 | 85 | 84 | 83 | 82 | 81 | 80 | 79 | 78 | 77 | 76 | 75 | 74 | 73 | 72 | 71 | 70 | 69 | 68 | 67 | 66 | 65 | 64 | 63 | 62 | 61 | 60 |
| 380 miles and over 380 | 340 | 337 | 333 | 329 | 326 | 323 | 320 | 316 | 313 | 309 | 306 | 303 | 299 | 296 | 292 | 289 | 286 | 282 | 280 | 275 | 272 | 269 | 265 | 262 | 258 | 255 | 252 | 248 | 245 | 241 | 238 | 235 | 231 | 228 | 224 | 221 | 218 | 214 | 211 | 207 | 204 |
| 400 miles and over 390 | 346 | 343 | 339 | 336 | 332 | 329 | 325 | 322 | 318 | 315 | 311 | 308 | 304 | 301 | 298 | 294 | 291 | 287 | 284 | 280 | 277 | 273 | 270 | 266 | 263 | 260 | 256 | 253 | 249 | 246 | 242 | 239 | 235 | 232 | 229 | 225 | 221 | 218 | 215 | 211 | 208 |
| 425 miles and over 400 | 358 | 354 | 351 | 347 | 344 | 340 | 337 | 333 | 329 | 326 | 322 | 319 | 315 | 311 | 308 | 304 | 301 | 297 | 294 | 290 | 286 | 283 | 279 | 276 | 272 | 269 | 265 | 261 | 258 | 254 | 251 | 247 | 243 | 240 | 236 | 233 | 229 | 226 | 222 | 218 | 215 |
| 450 miles and over 425 | 371 | 367 | 364 | 360 | 356 | 352 | 349 | 345 | 341 | 338 | 334 | 330 | 326 | 323 | 319 | 315 | 312 | 308 | 304 | 301 | 297 | 293 | 290 | 286 | 282 | 278 | 275 | 271 | 267 | 263 | 260 | 256 | 252 | 249 | 245 | 241 | 237 | 233 | 230 | 226 | 223 |
| 475 miles and over 450 | 383 | 379 | 375 | 372 | 368 | 364 | 360 | 356 | 352 | 349 | 345 | 341 | 337 | 333 | 329 | 326 | 322 | 318 | 314 | 310 | 306 | 303 | 299 | 295 | 291 | 287 | 283 | 280 | 276 | 272 | 268 | 264 | 260 | 257 | 253 | 249 | 245 | 241 | 237 | 234 | 230 |
| 500 miles and over 475 | 395 | 391 | 387 | 383 | 379 | 375 | 371 | 367 | 363 | 359 | 356 | 352 | 348 | 344 | 340 | 336 | 332 | 328 | 324 | 320 | 316 | 312 | 308 | 304 | 300 | 296 | 292 | 288 | 284 | 280 | 277 | 273 | 269 | 265 | 261 | 257 | 253 | 249 | 245 | 241 | 237 |
| 525 miles and over 500 | 407 | 403 | 399 | 395 | 391 | 387 | 383 | 379 | 374 | 370 | 366 | 362 | 358 | 354 | 350 | 346 | 342 | 338 | 334 | 330 | 326 | 322 | 317 | 313 | 309 | 305 | 301 | 297 | 293 | 289 | 285 | 281 | 277 | 273 | 269 | 265 | 260 | 256 | 252 | 248 | 244 |
| 550 miles and over 525 | 419 | 415 | 411 | 406 | 402 | 398 | 394 | 390 | 385 | 381 | 377 | 373 | 369 | 365 | 360 | 356 | 352 | 348 | 344 | 339 | 335 | 331 | 327 | 323 | 318 | 314 | 310 | 306 | 302 | 297 | 293 | 289 | 285 | 281 | 277 | 272 | 268 | 264 | 260 | 256 | 251 |
| 575 miles and over 550 | 431 | 427 | 422 | 418 | 414 | 409 | 405 | 401 | 397 | 392 | 388 | 384 | 379 | 375 | 371 | 366 | 362 | 358 | 353 | 349 | 345 | 340 | 336 | 332 | 328 | 323 | 319 | 315 | 310 | 306 | 302 | 297 | 293 | 289 | 284 | 280 | 276 | 272 | 267 | 263 | 259 |
| 600 miles and over 575 | 443 | 439 | 434 | 430 | 425 | 421 | 416 | 412 | 408 | 403 | 399 | 394 | 390 | 385 | 381 | 377 | 372 | 368 | 363 | 359 | 354 | 350 | 346 | 341 | 337 | 332 | 328 | 323 | 319 | 315 | 310 | 306 | 301 | 297 | 292 | 288 | 284 | 279 | 275 | 270 | 266 |
| 625 miles and over 600 | 456 | 451 | 447 | 442 | 438 | 433 | 429 | 424 | 420 | 415 | 410 | 406 | 401 | 397 | 392 | 388 | 383 | 378 | 374 | 369 | 365 | 360 | 356 | 351 | 347 | 342 | 337 | 333 | 328 | 324 | 319 | 315 | 310 | 306 | 301 | 296 | 292 | 287 | 283 | 278 | 274 |
| 650 miles and over 625 | 468 | 463 | 459 | 454 | 449 | 445 | 440 | 435 | 431 | 426 | 421 | 417 | 412 | 407 | 402 | 398 | 393 | 388 | 384 | 379 | 374 | 370 | 365 | 360 | 356 | 351 | 346 | 342 | 337 | 332 | 328 | 323 | 318 | 314 | 309 | 304 | 300 | 295 | 290 | 285 | 281 |

*Comparison of rates and distances from C., M., St. P. & P. mines in Brazil-Clinton and Linton-Sullivan districts with those from southern Illinois to Rockford, Freeport, and intermediate points*

| Item no. | Destination | Rates | | | Distances | | | Percent of 23922 scale extended | | | Percent of H. & H. scale | | | Indiana rates based on— | | | | Average of— | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | Col. 10 percents | | Col. 13 percents | | | |
| | | Brazil-Clinton [1] | Linton-Sullivan [1] | Southern Illinois [2] | Brazil-Clinton [3] | Linton-Sullivan [3] | Southern Illinois [4] | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Brazil-Clinton | Linton-Sullivan | Columns 14-16 | Columns 15-17 |
| 1 | Rockford | 170 | 175 | 200 | 231 | 275 | 371 | 85 | 84 | 84 | 68 | 64 | 60 | 167 | 174 | 149 | 164 | 158 | 169 |
| | Freeport | 170 | 175 | 200 | 271 | 315 | 392 | 82 | 78 | 81 | 62 | 57 | 58 | 168 | 181 | 158 | 173 | 163 | 177 |
| | Average | 170 | 175 | 200 | 251 | 295 | 381 | 82 | 81 | 81 | 65 | 62 | 59 | 168 | 174 | 154 | 169 | 161 | 172 |
| 2 | Forreston | 170 | 175 | 200 | 246 | 290 | 395 | 85 | 81 | 81 | 67 | 63 | 58 | 161 | 174 | 148 | 162 | 155 | 168 |
| | Byron | 170 | 175 | 200 | 228 | 272 | 377 | 85 | 84 | 81 | 70 | 64 | 60 | 161 | 168 | 145 | 164 | 153 | 166 |
| | Davis Junction | 170 | 175 | 200 | 219 | 263 | 368 | 89 | 84 | 84 | 73 | 65 | 61 | 160 | 174 | 142 | 163 | 151 | 169 |
| | Average | 170 | 175 | 200 | 231 | 275 | 380 | 85 | 84 | 81 | 68 | 64 | 60 | 161 | 168 | 149 | 164 | 155 | 166 |
| 3 | Kirkland | 170 | 175 | 210 | 206 | 250 | 350 | 89 | 88 | 91 | 75 | 69 | 67 | 173 | 181 | 151 | 171 | 162 | 176 |
| | Genoa | 170 | 175 | 210 | 211 | 255 | 373 | 89 | 84 | 88 | 73 | 67 | 63 | 167 | 182 | 147 | 164 | 157 | 173 |
| | Elgin | 170 | 175 | 210 | 188 | 232 | 377 | 94 | 88 | 85 | 80 | 70 | 63 | 153 | 169 | 133 | 156 | 143 | 163 |
| | Bensenville | 170 | 175 | 210 | 169 | 213 | 366 | 100 | 92 | 88 | 86 | 75 | 64 | 150 | 167 | 126 | 149 | 138 | 158 |
| | Average | 170 | 175 | 210 | 194 | 237 | 367 | 94 | 88 | 88 | 77 | 70 | 64 | 158 | 175 | 140 | 159 | 149 | 167 |
| 4 | De Kalb | 170 | 175 | 190 | 194 | 238 | 359 | 94 | 88 | 79 | 77 | 70 | 59 | 142 | 157 | 129 | 146 | 136 | 152 |
| 5 | Average of items 1–2 | 170 | 175 | 200 | 239 | 283 | 381 | 85 | 81 | 81 | 68 | 63 | 59 | 161 | 174 | 146 | 165 | 154 | 170 |
| 6 | Average of items 1, 2, 3, 4 | 170 | 175 | 203 | 216 | 260 | 373 | 89 | 84 | 85 | 73 | 67 | 61 | 162 | 176 | 142 | 159 | 152 | 168 |

[1] Suspended rate.
[2] Present rate.
[3] Distance from C., M., St. P. & P. mines only via that line direct.
[4] Distance from entire group via short tariff routes.

## *Exhibit 14, Waffle*

*Comparison of rates and distances from C., M., St. P. & P. mines in Brazil-Clinton and Linton-Sullivan districts with those from central Illinois to Rockford, Freeport, and intermediate points*

| Item no. | Destination | Rates | | | Distances | | | Percent of 23922 scale extended | | | Percent of H. & H. scale | | | Indiana rates based on— | | | | Average of— | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | Col. 10 percents | | Col. 13 percents | | | |
| | | Brazil-Clinton [1] | Linton-Sullivan [1] | Central Illinois [2] | Brazil-Clinton [3] | Linton-Sullivan [3] | Central Illinois [4] | Brazil-Clinton | Linton-Sullivan | Central Illinois | Brazil-Clinton | Linton-Sullivan | Central Illinois | Brazil-Clinton | Linton-Sullivan | Brazil-Clinton | Linton-Sullivan | Columns 14-16 | Columns 15-17 |
| 1 | Rockford | 170 | 175 | 170 | 231 | 275 | 245 | 85 | 84 | 85 | 68 | 64 | 67 | 169 | 176 | 166 | 183 | 168 | 180 |
| | Freeport | 170 | 175 | 170 | 271 | 315 | 261 | 82 | 78 | 82 | 62 | 57 | 64 | 170 | 183 | 175 | 191 | 172 | 187 |
| | Average | 170 | 175 | 170 | 251 | 295 | 253 | 82 | 81 | 82 | 65 | 62 | 65 | 170 | 176 | 170 | 186 | 170 | 181 |
| 2 | Forreston | 170 | 175 | 170 | 246 | 290 | 284 | 85 | 81 | 79 | 67 | 63 | 61 | 157 | 170 | 156 | 170 | 157 | 170 |
| | Byron | 170 | 175 | 170 | 228 | 272 | 266 | 85 | 84 | 82 | 70 | 64 | 64 | 163 | 170 | 154 | 175 | 159 | 173 |
| | Davis Junction | 170 | 175 | 170 | 219 | 263 | 260 | 89 | 84 | 82 | 73 | 65 | 65 | 156 | 170 | 151 | 174 | 154 | 172 |
| | Average | 170 | 175 | 170 | 231 | 275 | 270 | 85 | 84 | 82 | 68 | 64 | 64 | 163 | 170 | 159 | 175 | 161 | 173 |
| 3 | Kirkland | 170 | 175 | 170 | 206 | 250 | 244 | 89 | 88 | 85 | 75 | 69 | 67 | 162 | 169 | 151 | 171 | 157 | 170 |
| | Genoa | 170 | 175 | 170 | 211 | 255 | 255 | 89 | 84 | 82 | 73 | 67 | 65 | 156 | 170 | 151 | 170 | 154 | 170 |
| | Elgin | 170 | 175 | 170 | 188 | 232 | 249 | 94 | 88 | 85 | 80 | 70 | 67 | 153 | 169 | 141 | 166 | 147 | 168 |
| | Bensenville | 170 | 175 | 170 | 169 | 213 | 243 | 100 | 92 | 85 | 86 | 75 | 67 | 143 | 162 | 132 | 156 | 139 | 159 |
| | Average | 170 | 175 | 170 | 194 | 237 | 247 | 94 | 88 | 85 | 77 | 70 | 67 | 153 | 169 | 147 | 166 | 150 | 168 |
| 4 | De Kalb | 170 | 175 | 160 | 194 | 238 | 224 | 94 | 88 | 84 | 77 | 70 | 66 | 151 | 167 | 145 | 164 | 148 | 166 |
| 5 | Average of items 1-2 | 170 | 175 | 170 | 239 | 283 | 262 | 85 | 81 | 82 | 68 | 63 | 64 | 163 | 176 | 159 | 179 | 161 | 178 |
| 6 | Average of items 1, 2, 3, 4 | 170 | 175 | 169 | 216 | 260 | 252 | 89 | 84 | 82 | 73 | 67 | 65 | 156 | 170 | 151 | 170 | 154 | 170 |

[1] Suspended rate.
[2] Present rate.
[3] Distance from mines on C., M., St. P. & P. via that line direct.
[4] Average distance from entire group via short tariff routes.

252 *Exhibit 15, Waffle*

*Comparison of rates and distances over direct single-line routes from Brazil-Clinton, Linton-Sullivan, and southern Illinois to Rockford and Freeport*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Item no. | Origin group | Initial carrier | Origin points | Total miles | Average | Tariff route |
| 1 | Brazil-Clinton | C., M., St. P. & P. | 4 | 924 | 231 | C., M., St. P. & P. direct. |
| 2 | Linton-Sullivan | C., M., St. P. & P. | 7 | 1,925 | 275 | C., M., St. P. & P. direct. |
| 3 | Southern Illinois | C., B. & Q. | 9 | 3,627 | 403 | C., B. & Q. direct. |
| | | I. C. | 19 | 6,935 | 365 | I. C. direct. |
| | Total | | 28 | 10,562 | 377 | |

FREEPORT

| | | | | | | |
|---|---|---|---|---|---|---|
| 4 | Brazil-Clinton | C., M., St. P. & P. | 4 | 1,084 | 271 | C., M., St. P. & P. direct. |
| 5 | Linton-Sullivan | C., M., St. P. & P. | 7 | 2,205 | 315 | C., M., St. P. & P. direct. |
| 6 | Southern Illinois | I. C. | 19 | 6,403 | 337 | I. C. direct. |

COMPOSITE—ROCKFORD AND FREEPORT

| | | | | | | |
|---|---|---|---|---|---|---|
| 7 | Brazil-Clinton | Items 1-4 | 8 | 2,008 | 251 | |
| 8 | Linton-Sullivan | Items 2-5 | 14 | 4,130 | 295 | |
| 9 | Southern Illinois | Items 3-6 | 47 | 16,965 | 361 | |

*Comparison of southern Illinois and suspended Indiana rates*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|
| Item no. | Origin group | Rate | Distance | Percent 23922 scale extended | Percent H. & H. scale | Rates based on southern Illinois, percent of— | | Average of columns 7-8 |
| | | | | | | 23922 scale | H. & H. scale | |
| 10 | Brazil-Clinton | [1] 170 | 231 | 85 | 68 | 161 | 149 | 155 |
| | Linton-Sullivan | [1] 175 | 275 | 84 | 64 | 168 | 164 | 166 |
| | Southern Illinois | [2] 200 | 377 | 81 | 60 | 200 | 200 | 200 |

FREEPORT

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 11 | Brazil-Clinton | [1] 170 | 271 | 82 | 63 | 178 | 175 | 177 |
| | Linton-Sullivan | [1] 175 | 315 | 78 | 59 | 192 | 191 | 192 |
| | Southern Illinois | [2] 200 | 337 | 86 | 64 | 200 | 200 | 200 |

COMPOSITE—ROCKFORD AND FREEPORT

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 12 | Brazil-Clinton | [1] 170 | 251 | 82 | 65 | 174 | 159 | 167 |
| | Linton-Sullivan | [1] 175 | 295 | 82 | 62 | 181 | 174 | 178 |
| | Southern Illinois | [2] 200 | 361 | 84 | 61 | 200 | 200 | 200 |

[1] Suspended rate.
[2] Present rate.

253 *Exhibit 16, Waffle*

*Comparison of rates and distances over direct single-line routes from Brazil-Clinton, Linton-Sullivan, and central Illinois to Rockford and Freeport*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Item no. | Origin group | Initial carrier | Origin points | Total miles | Average | Tariff route |
| 1 | Brazil-Clinton | C., M., St. P. & P. | 4 | 924 | 231 | C., M., St. P. & P. direct. |
| 2 | Linton-Sullivan | C., M., St. P. & P. | 7 | 1,925 | 275 | C., M., St. P. & P. direct. |
| 3 | Central Illinois | C. & N. W. | 14 | 3,262 | 233 | C. & N. W. direct. |
| | | C., B. & Q. | 6 | 1,668 | 278 | C., B. & Q. direct. |
| | | I. C. | 9 | 2,115 | 235 | I. C. direct. |
| | Total | | 29 | 7,045 | 243 | |

FREEPORT

| | | | | | | |
|---|---|---|---|---|---|---|
| 4 | Brazil-Clinton | C., M., St. P. & P. | 4 | 1,084 | 271 | C., M., St. P. & P. direct. |
| 5 | Linton-Sullivan | C., M., St. P. & P. | 7 | 2,205 | 315 | C., M., St. P. & P. direct. |
| 6 | Central Illinois | C. & N. W. | 14 | 3,654 | 261 | C. & N. W. direct. |
| | | I. C. | 9 | 1,872 | 208 | I. C. direct. |
| | Total | | 23 | 5,526 | 240 | |

COMPOSITE—ROCKFORD AND FREEPORT

| | | | | | |
|---|---|---|---|---|---|
| 7 | Brazil-Clinton | Items 1–4 | 8 | 2,008 | 251 |
| 8 | Linton-Sullivan | Items 2–5 | 14 | 4,130 | 295 |
| 9 | Central Illinois | Items 3–6 | 52 | 12,571 | 242 |

*Comparison of southern Illinois and suspended Indiana rates*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|
| Item no. | Origin group | Rate | Distance | Percent 23922 scale extended | Percent H. & H. scale | Rates based on southern Illinois, percent of— | | Average of columns 7–8 |
| | | | | | | 23922 scale | H. & H. scale | |
| 10 | Brazil-Clinton | [1] 170 | 231 | 85 | 68 | 169 | 166 | 168 |
| | Linton-Sullivan | [1] 175 | 275 | 84 | 64 | 176 | 183 | 180 |
| | Central Illinois | [2] 170 | 243 | 85 | 67 | 170 | 170 | 170 |

FREEPORT

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 11 | Brazil-Clinton | [1] 170 | 271 | 82 | 62 | 176 | 186 | 181 |
| | Linton-Sullivan | [1] 175 | 315 | 78 | 59 | 190 | 203 | 196 |
| | Central Illinois | [2] 170 | 240 | 85 | 68 | 170 | 170 | 170 |

COMPOSITE—ROCKFORD AND FREEPORT

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 12 | Brazil-Clinton | [1] 170 | 251 | 82 | 65 | 176 | 175 | 176 |
| | Linton-Sullivan | [1] 175 | 295 | 82 | 62 | 183 | 192 | 187 |
| | Central Illinois | [2] 170 | 242 | 85 | 67 | 170 | 170 | 170 |

[1] Suspended rate.
[2] Present rate.

254 *Exhibit 17, Waffle*

*Comparison of rates and distances over short rate-making line routes from Brazil-Clinton, Linton-Sullivan, and southern Illinois to Rockford and Freeport*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Item no. | Origin group | Initial carrier | Origin points | Total miles | Average | Tariff route |
| 1 | Brazil-Clinton | C., M., St. P. & P. | 4 | 924 | 231 | C., M., St. P. & P. direct. |
| 2 | Linton-Sullivan | C., M., St. P. & P. | 7 | 1,925 | 275 | C., M., St. P. & P. direct. |
| 3 | Southern Illinois | I. C. | 19 | 6,213 | 327 | Mendota-C., M., St. P. & P. |
| | | FREEPORT | | | | |
| 4 | Brazil-Clinton | C., M., St. P. & P. | 4 | 1,040 | 260 | De Kalb-C. & N. W. |
| 5 | Linton-Sullivan | C., M., St. P. & P. | 7 | 2,128 | 304 | De Kalb-C. & N. W. |
| 6 | Southern Illinois | I. C. | 19 | 6,403 | 337 | I. C. direct. |
| | | COMPOSITE—ROCKFORD AND FREEPORT | | | | |
| 7 | Brazil-Clinton | Items 1–4 | 8 | 1,964 | 246 | |
| 8 | Linton-Sullivan | Items 2–5 | 14 | 4,053 | 289 | |
| 9 | Southern Illinois | Items 3–6 | 38 | 12,616 | 332 | |

*Comparison of southern Illinois and suspended Indiana rates*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|
| Item no. | Origin group | Rate | Distance | Percent 23922 scale extended | Percent H. & H. scale | Rates based on southern Illinois, percent of— | | Average of columns 7–8 |
| | | | | | | 23922 scale | H. & H. scale | |
| 10 | Brazil-Clinton | [1] 170 | 231 | 85 | 68 | 171 | 164 | 168 |
| | Linton-Sullivan | [1] 175 | 275 | 84 | 64 | 178 | 180 | 179 |
| | Southern Illinois | [2] 200 | 327 | 86 | 66 | 200 | 200 | 200 |
| | | FREEPORT | | | | | | |
| 11 | Brazil-Clinton | [1] 170 | 260 | 82 | 65 | 178 | 167 | 173 |
| | Linton-Sullivan | [1] 175 | 304 | 78 | 60 | 192 | 187 | 190 |
| | Southern Illinois | [2] 200 | 337 | 86 | 64 | 200 | 200 | 200 |
| | | COMPOSITE—ROCKFORD AND FREEPORT | | | | | | |
| 12 | Brazil-Clinton | [1] 170 | 246 | 85 | 67 | 173 | 163 | 668 |
| | Linton-Sullivan | [1] 175 | 290 | 81 | 63 | 187 | 179 | 183 |
| | Southern Illinois | [2] 200 | 332 | 87 | 64 | 200 | 200 | 200 |

[1] Suspended rate.
[2] Present rate.

# Exhibit 18, Waffle

*Comparison of rates and distances over short tariff routes from Brazil-Clinton, Linton-Sullivan, and Southern Illinois to Rockford, Freeport, and intermediate points*

| Item no. | Destination | Rates | | | Distances | | | Percent of 23922 scale extended | | | Percent of H. & H. scale | | | Indiana rates based on— | | | | Average of— | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | Col. 10 percents | | Col. 13 percents | | | |
| | | Brazil-Clinton [1] | Linton-Sullivan [1] | Southern Illinois [2] | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Brazil-Clinton | Linton-Sullivan | Columns 14-16 | Columns 15-17 |
| | | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 1 | Rockford | 170 | 175 | 200 | 272 | 298 | 371 | 82 | 81 | 84 | 62 | 61 | 60 | 174 | 181 | 164 | 172 | 169 | 177 |
| | Freeport | 170 | 175 | 200 | 304 | 327 | 392 | 76 | 76 | 81 | 58 | 58 | 58 | 181 | 187 | 169 | 176 | 175 | 182 |
| | Average | 170 | 175 | 200 | 288 | 313 | 381 | 79 | 78 | 81 | 61 | 59 | 59 | 174 | 181 | 162 | 176 | 168 | 179 |
| 2 | Forreston | 170 | 175 | 200 | 291 | 314 | 395 | 79 | 78 | 81 | 59 | 59 | 58 | 174 | 181 | 166 | 173 | 170 | 177 |
| | Byron | 170 | 175 | 200 | 271 | 296 | 377 | 82 | 81 | 81 | 62 | 61 | 60 | 166 | 174 | 164 | 172 | 166 | 173 |
| | Davis Junction | 170 | 175 | 200 | 262 | 287 | 368 | 82 | 81 | 84 | 64 | 63 | 61 | 174 | 181 | 163 | 170 | 169 | 176 |
| | Average | 170 | 175 | 200 | 275 | 299 | 380 | 82 | 81 | 81 | 62 | 61 | 60 | 168 | 174 | 164 | 172 | 166 | 173 |
| 3 | Kirkland | 170 | 175 | 210 | 247 | 273 | 350 | 85 | 85 | 91 | 67 | 64 | 67 | 181 | 188 | 171 | 183 | 176 | 186 |
| | Genoa | 170 | 175 | 210 | 250 | 282 | 373 | 85 | 81 | 88 | 67 | 63 | 63 | 175 | 189 | 161 | 176 | 168 | 182 |
| | Elgin | 170 | 175 | 210 | 228 | 267 | 377 | 85 | 85 | 85 | 71 | 66 | 63 | 169 | 176 | 152 | 168 | 161 | 172 |
| | Bensenville | 170 | 175 | 210 | 209 | 233 | 366 | 89 | 88 | 88 | 75 | 71 | 64 | 167 | 175 | 145 | 159 | 156 | 172 |
| | Average | 170 | 175 | 210 | 234 | 264 | 367 | 85 | 85 | 88 | 68 | 66 | 64 | 175 | 182 | 159 | 171 | 167 | 177 |
| 4 | De Kalb | 170 | 175 | 190 | 238 | 271 | 359 | 85 | 85 | 79 | 68 | 64 | 59 | 157 | 164 | 146 | 161 | 153 | 163 |
| 5 | Average of items 1, 2 | 170 | 175 | 200 | 280 | 305 | 381 | 79 | 78 | 81 | 62 | 60 | 59 | 174 | 181 | 161 | 172 | 168 | 176 |
| 6 | Average of items 1, 2, 3, 4 | 170 | 175 | 203 | 257 | 285 | 373 | 82 | 81 | 86 | 65 | 63 | 61 | 176 | 183 | 159 | 170 | 167 | 177 |

[1] Suspended rate.

[2] Present rate.

## *Exhibit 19, Waffle*

*Comparison of rates and distances via short rate-making line routes from Brazil-Clinton, Linton-Sullivan, and Southern Illinois to Rockford, Freeport, and intermediate points*

| Item no. | Destination | Rates | | | Distances | | | Percent of 23922 scale extended | | | Percent of H. & H. scale | | | Indiana rates based on— | | | | Average of— | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | Col. 10 percents | | Col. 13 percents | | | |
| | | Brazil-Clinton [1] | Linton-Sullivan [1] | Southern Illinois [2] | Brazil-Clinton [3] | Linton-Sullivan [3] | Southern Illinois [3] | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Brazil-Clinton | Linton-Sullivan | Columns 14-16 | Columns 15-17 |
| 1 | Rockford | 170 | 175 | 200 | 231 | [4] 271 | [5] 327 | 85 | 84 | 86 | 69 | 64 | 66 | 171 | 178 | 164 | 180 | 168 | 179 |
| | Freeport | 170 | 175 | 200 | [6] 260 | [7] 303 | [8] 337 | 82 | 78 | 86 | 65 | 60 | 65 | 178 | 192 | 170 | 190 | 174 | 191 |
| | Average | 170 | 175 | 200 | 246 | 287 | 332 | 85 | 81 | 86 | 67 | 63 | 65 | 171 | 185 | 166 | 181 | 169 | 183 |
| 2 | Forreston | 170 | 175 | 200 | [9] 246 | [4] 280 | [5] 342 | 85 | 81 | 86 | 67 | 64 | 64 | 171 | 185 | 163 | 175 | 167 | 180 |
| | Byron | 170 | 175 | 200 | [9] 228 | [4] 262 | [5] 324 | 85 | 84 | 90 | 71 | 66 | 66 | 179 | 186 | 159 | 176 | 169 | 181 |
| | Davis Junction | 170 | 175 | 200 | [9] 219 | [4] 253 | [5] 315 | 89 | 84 | 90 | 73 | 67 | 67 | 171 | 186 | 156 | 175 | 164 | 180 |
| | Average | 170 | 175 | 200 | 231 | 265 | 327 | 85 | 81 | 87 | 69 | 66 | 66 | 173 | 180 | 164 | 176 | 169 | 178 |
| 3 | Kirkland | 170 | 175 | 210 | [9] 206 | [4] 240 | [5] 302 | 89 | 88 | 94 | 75 | 71 | 72 | 179 | 187 | 163 | 179 | 171 | 183 |
| | Genoa | 170 | 175 | 210 | [9] 211 | [4] 254 | [5] 336 | 89 | 84 | 91 | 73 | 67 | 68 | 173 | 188 | 158 | 177 | 166 | 183 |
| | Elgin | 170 | 175 | 210 | [9] 188 | [9] 232 | [4] 339 | 94 | 88 | 91 | 81 | 71 | 68 | 164 | 181 | 143 | 169 | 154 | 175 |
| | Bensenville | 170 | 175 | 210 | [9] 169 | [9] 213 | [10] 321 | 100 | 92 | 94 | 87 | 75 | 69 | 160 | 179 | 136 | 161 | 149 | 170 |
| | Average | 170 | 175 | 210 | 194 | 238 | 322 | 94 | 88 | 94 | 78 | 71 | 69 | 169 | 187 | 151 | 171 | 160 | 179 |
| 4 | De Kalb | 170 | 175 | 190 | [9] 194 | [4] 234 | [11] 323 | 94 | 88 | 85 | 78 | 71 | 63 | 153 | 169 | 138 | 156 | 146 | 163 |
| 5 | Average of items 1, 2 | 170 | 175 | 200 | 237 | 274 | 329 | 85 | 84 | 87 | 69 | 64 | 66 | 173 | 180 | 164 | 180 | 169 | 180 |
| 6 | Average of items 1, 2, 3, 4 | 170 | 175 | 203 | 223 | 257 | 326 | 89 | 84 | 88 | 71 | 67 | 67 | 167 | 182 | 161 | 175 | 164 | 179 |

[1] Suspended rate.
[2] Present rate.
[3] Distance over short rate-making line routes.
[4] C. & E. I.-Momence-C. M. St. P. & P.

EXPLANATION OF ROUTES

[5] I. C.-Mendota-C. M. St. P. & P.
[6] C. M. St. P. & P.-De Kalb-C. & N. W.
[7] C. & E. I.-Hawthorne-I. C.
[8] I. C. direct.
[9] C. M. St. P. & P. direct.
[10] C. & E. I.-Chicago-C. M. St. P. & P.
[11] C. C. C. & St. L.-Danville-N. Y. C.-Chicago-C. M. St. P. & P.

257 *Exhibit 20. Waffle*

*Comparison of rates and distances from Brazil-Clinton, Linton-Sullivan, and southern Illinois to Rockford and Freeport based on Short Rate Making Line Distances shown in table on page 548 of report in docket 23130*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Destination | Rates | | | Distances | | | Percent H. & H. scale | | | Indiana rates based on column 10, percents | |
| | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan |
| Rockford | 187 | 192 | 200 | 226.5 | 271.1 | 328.7 | 77 | 70 | 66 | 150 | 180 |
| Freeport | 187 | 192 | 200 | 258.6 | 307.0 | 337.9 | 72 | 66 | 65 | 170 | 190 |
| Average | 187 | 192 | 200 | 242.5 | 289.0 | 334.0 | 73 | 69 | 64 | 163 | 179 |

258 *Exhibit 21. Waffle*

*Reproduction of mileages shown from southern and central Illinois, Brazil-Clinton, and Linton-Sullivan to Rockford and Freeport in exhibit 335 introduced by Witness Wildman in docket 23130*

ROCKFORD

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|
| From | Rate | Origin points | Origin line | Route | Total miles | Average miles | Tariff authority |
| Southern Illinois | 200 | 1 | B. & O. | 254 | 388.4 | 388.4 | AA |
| | | 6 | C. & E. I. | 128 | 2,277.6 | 379.6 | B |
| | | 16 | C. B. & Q. | 321 | 6,219.2 | 388.7 | JJJ |
| | | 6 | C. C. C. & St. L. | 754 | 2,443.8 | 407.3 | D |
| | | 31 | I. C. | 221 | 10,189.7 | 328.7 | Q |
| | | 1 | J. S. W. | 347 | 326.6 | 326.6 | Q |
| | | 19 | M. P. | 755 | 8,496.8 | 447.2 | Y |
| Total | | 80 | | | 30,342.1 | 379.3 | |
| Springfield | 170 | 6 | B. & O. | 254 | 1,488.0 | 248.0 | AA |
| | | 20 | C. & A. | 361 | 4,252.0 | 212.6 | LLL |
| | | 5 | C. & E. I. | 128 | 1,485.0 | 297.0 | B |
| | | 5 | C. & I. M. | 362 | 1,122.0 | 224.4 | DD |
| | | 5 | C. & N. W. | 363 | 1,111.0 | 222.2 | AG |
| | | 6 | C. B. & Q. | 321 | 1,569.0 | 261.5 | JJJ |
| | | 1 | C. S. & St. L. | 401 | 233.4 | 233.4 | DD |
| | | 8 | C. C. C. & St. L. | 365 | 2,240.0 | 280.0 | D |
| | | 9 | I. C. | 221 | 1,782.5 | 198.1 | Q |
| | | 1 | I. T. | 391 | 316.8 | 316.8 | FF |
| | | 3 | L. & M. | 367 | 782.4 | 260.8 | Q |
| | | 3 | N. Y. C. & St. L. | 369 | 739.5 | 246.5 | Q |
| | | 2 | Penn. | 406 | 459.0 | 229.5 | QQQ |
| | | 1 | S. T. | 761 | 20.12 | 201.2 | Q |
| | | 5 | Wab. | 368 | 1,247.0 | 249.4 | BB |
| Total | | 80 | | | 19,028.8 | 237.9 | |
| Brazil-Clinton | 187 | 6 | B. & O. | 503 | 1,450.2 | 241.7 | F |
| | | 5 | C. & E. I. | 128 | 1,202.0 | 240.4 | B |
| | | 11 | C. M. St. P. & P. | 24 | 2,491.5 | 226.5 | AAA |
| | | 4 | C. C. C. & St. L. | 346 | 1,062.0 | 265.5 | D |
| | | 16 | Penn. | 766 | 5,172.8 | 323.3 | QQQ |
| Total | | 42 | | | 11,378.5 | 270.9 | |
| Linton-Sullivan | 192 | 17 | C. & E. I. | 128 | 4,608.7 | 271.1 | B |
| | | 18 | C. I & L. | 767 | 5,414.4 | 300.8 | E |
| | | 13 | C. M. St. P. & P. | 182 | 3,569.8 | 274.6 | AAA |
| | | 3 | C. C. C. & St. L. | 768 | 855.6 | 285.2 | D |
| | | 6 | I. C. | 221 | 1,851.0 | 308.5 | Q |
| | | 7 | Penn. | 766 | 2,688.0 | 384.0 | QQQ |
| Total | | 64 | | | 18,987.5 | 296.7 | |

*Reproduction of mileages shown from southern and central Illinois, Brazil-Clinton, and Linton-Sullivan to Rockford and Freeport in exhibit 335 introduced by Witness Wildman in docket 23130—Continued*

259 FREEPORT

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|
| From | Rate | Origin points | Origin line | Route | Total miles | Average miles | Tariff authority |
| Southern Illinois | 200 | 1 | B. & O. | 254 | 416.4 | 416.4 | AA |
| | | 6 | C. & E. I. | 318 | 2,054.4 | 342.4 | B |
| | | 16 | C. B. & Q. | 321 | 6,897.6 | 431.1 | JJJ |
| | | 6 | C. C. C. & St. L. | 320 | 2,455.8 | 409.3 | D |
| | | 31 | I. C. | 19 | 10,474.9 | [1] 337.9 | Q |
| | | 1 | J. S. W. | 319 | 320.2 | 320.2 | B |
| | | 19 | M. P. | 755 | 9,028.8 | 475.2 | Y |
| Total | | 80 | | | 31,648.1 | 394.6 | |
| Springfield | 170 | 6 | B. & O. | 254 | 1,655.0 | 276.0 | AA |
| | | 20 | C. & A. | 361 | 5,100.0 | 255.0 | LLL |
| | | 5 | C. & E. I. | 318 | 1,299.0 | 259.8 | B |
| | | 5 | C. & I. M. | 353 | 1,168.5 | 233.7 | DD |
| | | 5 | C. & N. W. | 363 | 1,373.0 | 274.6 | AG |
| | | 6 | C. B. & Q. | 399 | 1,989.0 | 331.5 | JJJ |
| | | 1 | C. S. & St. L. | 401 | 261.4 | 261.4 | DD |
| | | 8 | C. C. C. & St. L. | 70 | 2,087.2 | 260.9 | D |
| | | 9 | I. C. | 19 | 1,865.7 | [1] 207.3 | Q |
| | | 1 | I. T. | 391 | 289.1 | 289.1 | FF |
| | | 3 | L. & M. | 390 | 810.0 | 270.0 | Q |
| | | 3 | N. Y. C. & St. L. | 72 | 767.4 | 255.8 | Q |
| | | 2 | Penn. | 406 | 543.8 | 271.9 | QQQ |
| | | 1 | S. T. | 762 | 210.5 | 210.5 | Q |
| | | 9 | Wab. | 405 | 2,820.6 | 313.4 | BB |
| Total | | 84 | | | 22,241.2 | 264.8 | |
| Brazil-Clinton | 187 | 5 | B. & O. | 769 | 1,683.6 | 280.6 | F |
| | | 5 | C. & E. I. | 128 | 1,414.0 | 282.8 | B |
| | | 11 | C. M. St. P. & P. | 143 | 2,844.6 | [1] 258.6 | AAA |
| | | 4 | C. C. C. & St. L. | 754 | 1,208.0 | 302.0 | D |
| | | 16 | Penn. | 766 | 5,616.0 | 351.0 | QQQ |
| Total | | 42 | | | 12,766.2 | 304.0 | |
| Linton-Sullivan | 192 | 17 | C. & E. I. | 128 | 5,329.5 | 313.5 | B |
| | | 18 | C. I. & L. | 767 | 6,145.2 | 341.4 | E |
| | | 13 | C. M. St. P. & P. | 143 | 3,991.0 | [1] 307.0 | AAA |
| | | 3 | C. C. C. & St. L. | 754 | 965.7 | 321.9 | D |
| | | 6 | I. C. | 19 | 1,906.2 | 317.7 | Q |
| | | 7 | Penn. | 766 | 2,881.9 | 411.7 | QQQ |
| Total | | 64 | | | 21,219.5 | 331.6 | |

[1] Short rate making line.

200 KEY TO ROUTING

19. I. C. R. R. direct
24. C. M. St. P. & P. R. R. direct
70. C. C. C. & St. L. Ry., Pana, Illinois, and I. C. R. R.
72. N. Y. C. & St. L. R. R., Ramsey, Illinois, and I. C. R. R.
128. C. & E. I. Ry, Momence, Illinois, and C. M. St. P. & P. R. R.
143. C. M. St. P. & P. R. R., Delmar, Illinois; C. M. & G. Ry, DeKalb, Illinois; and C. & N. W. Ry.
182. C. M. St. P. & P. R. R., Delmar, Illinois, and C. M. & G. Ry.
221. I. C. R. R., Mendota, Illinois, and C. M. St. P. & P. R. R.
254. B. & O. R. R., Bando, Illinois, and C. & N. W. Ry.
318. C. & E. I. Ry., Sullivan, Illinois, and I. C. R. R.
319. J. S. W. R. R., Mt. Vernon, Illinois; C. & E. I. Ry., Sullivan, Illinois; and I. C. R. R.
320. C. C. C. & St. L. Ry, Bloomington, Illinois, and I. C. R. R.
321. C. B. & Q. R. R., Mendota, Illinois, and C. M. St. P. & P. R. R.
346. C. C. C. & St. L. Ry., Danville, Illinois; N. Y. C. R. R., Momence, Illinois; and C. M. St. P. & P. R. R.
347. J. S. W. R. R., Mt. Vernon, Illinois; M. P. R. R., Tamaroa, Illinois; I. C. R. R., Mendota, Illinois; and C. M. St. P. & P. R. R.
353. C. & I. M. Ry., Cimic, Illinois, and I. C. R. R.
361. C. & A. R. R., Granville, Illinois, and C. M. St. P. & P. R. R.
362. C. & I. M. Ry., Cimic, Illinois; I. C. R. R., Mendota, Illinois; and C. M. St. P. & P. R. R.
363. C. & N. W. Ry., Rochelle, Illinois, and C. M. St. P. & P. R. R.
365. C. C. C. & St. L. Ry., Pana, Illinois, and I. C. R. R.
367. L. & M. Ry., Mt. Olive, Illinois; I. C. R. R., Mendota, Illinois; and C. M. St. P. & P.
368. Wabash Ry., Decatur, Illinois, and I. C. R. R.
369. N. Y. C. & St. L. R. R., Ramsey, Illinois; I. C. R. R., Mendota, Illinois; and C. M. St. P. & P. R. R.
390. L. & M. Ry., Mt. Olive, Illinois, and I. C. R. R.
391. I. T. R. R., Mont, Illinois, and I. C. R. R.
399. C. B. & Q. R. R., Sterling, Illinois, and C. & N. W. Ry.
401. C. S. & St. L. Ry., Springfield, Illinois; C. & I. M. Ry., Barr, Illinois; and C. & N. W. Ry.
405. Wabash Ry., Brisbane, Illinois; E. J. & E. Ry., West Chicago, Illinois; and C. & N. W. Ry.
406. Pennsylvania R. R., Peoria, Illinois; C. & A. R. R., Granville, Illinois; and C. M. St. P. & P. R. R.
503. B. & O. R. R., West Dana, Indiana, and C. M. St. P. & P. R. R.
754. C. C. C. & St. L. Ry., Danville, Illinois; N. Y. C. R. R., Gibson, Indiana; I. H. B. R. R., Proviso, Illinois; and C. & N. W. Ry.
755. M. P. R. R., East St. Louis, Illinois; Wabash Ry, Staunton, Illinois; and C. & N. W. Ry.
761. S. T. Ry., Springfield, Illinois; I. C. R. R., Mendota, Illinois; and C. M. St. P. & P. R. R.
762. S. T. Ry., Springfield, Illinois, and I. C. R. R.
766. P. R. R., Chicago, Illinois, and I. C. R. R.
767. C. I. & L. Ry., Hammond, Indiana; I. H. B. R. R., Bensenville, Illinois; and C. M. St. P. & P. R. R.
768. C. C. C. & St. L. Ry., Danville, Illinois; N. Y. C. R. R., Delmar, Illinois; and C. M. St. P. & P. R. R.
769. B. & O. R. R., Decatur, Illinois, and I. C. R. R.

TARIFF AUTHORITY FOR RATES

B. C. & E. I. Ry., I. C. C. No. 263
D. C. C. C. & St. L. Ry., I. C. C. No. 8513
E. C. I. & L. Ry., I. C. C. No. 4264
F. B. & O. R. R., I. C. C. No. WL-9794
Q. I. C. R. R., I. C. C. No. E-1689
Y. M. P. R. R., I. C. C. No. A-7461
AA. B. & O. R. R., I. C. C. No. WL-9520
BB. Wabash Ry., I. C. C. No. 6160
DD. C. & I. M. Ry., I. C. C. No. B-178
FF I. T. R. R., I. C. C. No. 26
AAA. C. M. St. P. & P. R. R., I. C. C. No. B-5133
JJJ. C. B. & Q. R. R., I. C. C. No. 17158
LLL. C. & A. R. R., I. C. C. No. A-1759
QQQ. Pennsylvania R. R., I. C. C. No. 17
AG. C. M. St. P. & P. R. R., I. C. C. No. B-5132

261 TARIFF AUTHORITY FOR DISTANCES

B. & O. R. R., I. C. C. No. 21650
C. & A. R. R., I. C. C. No. A-1910
C. & E. I. Ry., I. C. C. No. 153
C. & I. M. Ry., I. C. C. No. B-220
C. & N. W. Ry., I. C. C. No. 9986
C. B. & Q. R. R., I. C. C. No. 17392
C. I. & L. Ry., I. C. C. No. 4431
C. M. St. P. & P. R. R., I. C. C. No. B-6113
C. S. & St. L. Ry., I. C. C. No. 44
C. C. C. & St. L. Ry., I. C. C. No. 8515
I. C. R. R., I. C. C. No. A-10441
I. T. R. R., I. C. C. No. 39
J. S. W. R. R., I. C. C. No. 12
L. & M. Ry., I. C. C. No. 277
M. P. R. R., I. C. C. No. A-7788
N. Y. C. & St. L. R. R., I. C. C. No. 5035
Penna. R. R., I. C. C. No. 5
S. T. Ry., I. C. C. No. 43
Wab. Ry., I. C. C. No. 6442

## *Exhibit 22. Waffle*

*Statement of rates, distances, and differentials from Brazil-Clinton, Linton-Sullivan, central Illinois and southern Illinois to southern Wisconsin points*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Distances | | | | Rates | | | | Distances—Indiana versus southern and central Illinois | | | | Differentials—Indiana versus southern and central Illinois | | | |
| Destination | Brazil-Clinton | Linton-Sullivan | Central Illinois | Southern Illinois | Brazil-Clinton | Linton-Sullivan | Central Illinois | Southern Illinois | Brazil-Clinton under southern Illinois | Linton-Sullivan under southern Illinois | Brazil-Clinton under central Illinois | Linton Sullivan over central Illinois | Brazil-Clinton under southern Illinois | Linton-Sullivan under southern Illinois | Brazil-Clinton under central Illinois | Linton-Sullivan over central Illinois |
| Beloit | 282 | 311 | 263 | 388 | 245 | 255 | 245 | 275 | 106 | 77 | [1] 19 | [1] 48 | 30 | 20 | ---- | 10 |
| Burlington | 264 | 296 | 294 | 396 | 240 | 250 | 245 | 275 | 132 | 100 | 30 | [1] 2 | 35 | 25 | 5 | 5 |
| Janesville | 285 | 316 | 277 | 402 | 245 | 255 | 245 | 275 | 117 | 86 | [1] 8 | [1] 39 | 30 | 20 | ---- | 10 |
| Kenosha | 250 | 282 | 278 | 401 | 198 | 208 | 203 | 233 | 151 | 119 | [2] 28 | [1] 4 | 35 | 25 | 5 | 5 |
| Madison | 324 | 354 | 313 | 434 | 245 | 255 | 245 | 275 | 110 | 80 | [2] 11 | [1] 41 | 30 | 20 | ---- | 10 |
| Milwaukee | 280 | 313 | 314 | 423 | 223 | 233 | 228 | 258 | 143 | 110 | 34 | [2] 1 | 35 | 25 | 5 | 5 |
| Watertown | 325 | 361 | 326 | 456 | 270 | 280 | 270 | 300 | 131 | 95 | [1] 1 | [1] 35 | 30 | 20 | ---- | 10 |
| Average | 287 | 319 | 295 | 414 | 238 | 248 | 240 | 270 | 127 | 95 | 8 | [1] 24 | 32 | 22 | 2 | 8 |

[1] Over.
[2] Under.

263 *Exhibit 23, Waffle*

*Statement of rates and average distances, via short tariff routes, from Brazil-Clinton, Linton-Sullivan, central Illinois and southern Illinois to points shown herein:*

BELOIT, WIS.

| Item no. | 1 Origin group | 2 Initial carrier | 3 Origin points | 4 Total miles | 5 Average | 6 Rate | 7 Route |
|---|---|---|---|---|---|---|---|
| 1 | Brazil-Clinton | B. & O | 3 | 792 | 264 | 245 | Hillsdale, C. & E. I.; Chicago, C. & N. W. |
| | | C. & E. I | 5 | 1,295 | 259 | 245 | Momence, C., M., St. P. & P. |
| | | C., M., St. P. & P | 4 | 956 | 239 | 245 | Delmar, C., M. & G.; De Kalb, C. & N. W. |
| | | C., C., C. & St. L | 4 | 1,104 | 276 | 245 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | Penna | 7 | 2,362 | 336 | 245 | Chicago, C. & N. W. |
| | | Total | 23 | 6,499 | 282 | ----- | |
| 2 | Linton-Sullivan | C. & E. I | 13 | 3,757 | 289 | 255 | Momence, C., M., St. P. & P. |
| | | C., I. & L | 4 | 1,300 | 325 | 255 | Chicago, C. & N. W. |
| | | C., M., St. P. & P | 7 | 1,981 | 283 | 255 | Delmar, C., M. & G.; De Kalb, C. & N. W. |
| | | C., C., C. & St. L | 5 | 1,495 | 299 | 255 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C | 6 | 1,956 | 326 | 255 | Mendota, C., M., St. P. & P. |
| | | Penna | 5 | 1,940 | 388 | 255 | Chicago, C. & N. W. |
| | | Total | 40 | 12,429 | 311 | ----- | |
| 3 | Central Illinois | Alton | 20 | 5,020 | 251 | 245 | Peoria, C. & N. W. |
| | | B. & O | 5 | 1,270 | 254 | 245 | Bando, C. & N. W. |
| | | C. & E. I | 5 | 1,575 | 315 | 245 | Momence, C., M., St. P. & P. |
| | | C. & I. M | 5 | 1,210 | 242 | 245 | Cimic, I. C.; Mendota, C., M., St. P. & P. |
| | | | 4 | 928 | 232 | 245 | Barr, C. & N. W. |
| | | C. & N. W | 14 | 3,360 | 240 | 245 | C. & N. W. direct. |
| | | C., B. & Q | 6 | 1,776 | 296 | 245 | Mendota, C., M., St. P. & P. |
| | | C., S. & St. L | 2 | 430 | 215 | 245 | Springfield, I. C.; Mendota, C., M., St. P. & P. |
| | | C., C., C. & St. L | 8 | 2,480 | 310 | 245 | Gillespie, C. & N. W. |
| | | I. C | 9 | 1,953 | 217 | 245 | Mendota, C., M., St. P. & P. |
| | | Ill. Term | 6 | 1,692 | 282 | 245 | Peoria, C. & N. W. |
| | | L. & M | 3 | 837 | 279 | 245 | Mount Olive, I. C.; Mendota, C. M., St. P. & P. |
| | | N. Y. C. & St. L | 3 | 792 | 264 | 245 | Ramsey, I. C.; Mendota, C., M., St. P. & P. |
| | | Penna | 1 | 353 | 353 | 245 | Peoria, Alton; Granville, C., M., St. P. & P. |
| | | S. T | 1 | 219 | 219 | 245 | Springfield, I. C.; Mendota, C., M., St. P. & P. |
| | | Wabash | 9 | 2,628 | 292 | 245 | Manhattan, C., M., St. P. & P. |
| | | Total | 101 | 26,523 | 263 | ----- | |
| 4 | Southern Illinois | C. & E. I | 7 | 2,751 | 393 | 275 | Momence, C., M., St. P. & P. |
| | | C., B. & Q | 9 | 3,456 | 384 | 275 | Virden, C. & N. W. |
| | | C., C., C. & St. L | 6 | 2,448 | 408 | 275 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C | 19 | 6,555 | 345 | 275 | Mendota, C., M., St. P. & P. |
| | | Mo. Pac | 22 | 9,216 | 419 | 275 | (1). |
| | | Total | 63 | 24,426 | 388 | ----- | |

See footnotes at end of table.

*Statement of rates and average distances, via short tariff routes, from Brazil-Clinton, Linton-Sullivan, central Illinois and southern Illinois to points shown herein*—Continued

BURLINGTON, WIS.

| Item no. | 1 Origin group | 2 Initial carrier | 3 Origin points | 4 Total miles | 5 Average | 6 Rate | 7 Route |
|---|---|---|---|---|---|---|---|
| 1 | Brazil-Clinton | B. & O | 3 | 735 | 245 | 240 | Hillsdale, C. & E. I.; Chicago, M., St. P., S., S. & M. |
| | | C. & E. I | 5 | 1,210 | 242 | 240 | Chicago, M., St. P., S., S. & M. |
| | | C., M., St. P. & P | 4 | 892 | 223 | 240 | Blue Island, I. H. B.; Franklin Park, M., St. P., S., S. & M. |
| | | C., C., C. & St. L | 4 | 1,020 | 255 | 240 | Danville, N. Y. C.; Gibson, I. H. B; Franklin Park, M., St. P., S. & M. |
| | | Penna | 7 | 2,219 | 317 | 240 | Chicago, M., St. P., S., S. & M |
| | | Total | 23 | 6,076 | 264 | ---- | |
| 2 | Linton-Sullivan | C. & E. I | 13 | 3,536 | 272 | 250 | Chicago, M., St. P., S., S. & M. |
| | | C., I. & L | 4 | 1,220 | 305 | 250 | Hammond, I. H. B.; Franklin Park, M., St. P., S., S. & M. |
| | | C., M., St. P. & P | 7 | 1,869 | 267 | 250 | Blue Island, I. H. B.; Franklin Park, M. St. P. S. S. & M. |
| | | C., C., C. & St. L | 5 | 1,385 | 277 | 250 | Danville, N. Y. C.; Gibson, I. H. B.; Franklin Park, M. St. P. S. S. & M. |
| | | I. C | 6 | 1,986 | 331 | 250 | Riverdale, I. H. B.; Franklin Park, M. St. P. S. S. & M. |
| | | Penna | 5 | 1,845 | 369 | 250 | Indianapolis-Chicago, M. St. P. S. S. & M. |
| | | Total | 40 | 11,841 | 296 | ---- | |
| 3 | Central Illinois | Alton | 20 | 5,060 | 253 | 245 | Joliet, E. J. & E.; Leithton, M., St. P. S. S. & M. |
| | | B. & O | | | | | |
| | | C. & E. I | 5 | 1,490 | 298 | 245 | Chicago, M., St. P. S. S. & M. |
| | | C. & I. M | 4 | 1,112 | 278 | 245 | Auburn, Alton; Joliet, E. J. & E.; Leighton, M. St. P. S. S. & M. |
| | | C. & N. W | | | | | |
| | | C., B. & Q | 6 | 2,082 | 347 | 245 | Eola, E., J. & E.; Leithton, M., St. P. S. S. & M. |
| | | C., S. & St. L | 2 | 566 | 283 | 245 | Springfield, Wabash; Chicago, M St. P. S. S. & M. |
| | | C., C., C. & St. L | 9 | 3,132 | 348 | 245 | Danville, N. Y. C.; Gibson, I. H. B.; Franklin Park, M., St. P. S. S. & M. |
| | | I. C | 9 | 2,349 | 261 | 245 | Riverdale, I. H. B.; Franklin Park, M. St. P. S. S. & M. |
| | | Ill. Term | 6 | 2,118 | 353 | 245 | Staunton, Wabash; Brisbane, E., J. & E.; Leithon, M. St. P. P. S. S. & M. |
| | | L. & M | 3 | 981 | 327 | 245 | Mount Olive, I. C.; Riverdale, I. H. B.; Franklin Park, M. St. P. S. S. & M. |
| | | N. Y. C. & St. L | 3 | 951 | 317 | 245 | Neoga, I. C.; Riverdale, I. H. B.; Franklin Park, M. St. P. S. S. & M. |
| | | Penna | 1 | 243 | 243 | 245 | Atlanta, Alton; Joliet, E. J. & E.; Leithton, M. St. P. S. S. & M. |
| | | S. T | 1 | 245 | 245 | 245 | Springfield, Alton; Joliet, E. J. & E; Leithton, M. St. P. S. S. & M. |
| | | Wabash | 9 | 2,592 | 288 | 245 | Brisbane, E., J. & E.; Leithton, M. St. P. S. S. & M. |
| | | Total | 78 | 22,921 | 294 | ---- | |
| | Southern Illinois | C. & E. I | 7 | 2,632 | 376 | 275 | Chicago, M. St. P. S. S. & M. |
| | | C., B. & Q | 9 | 4,104 | 456 | 275 | Eola, E., J. & E.; Leithton, M. St. P. S. S. & M. |
| | | C., C., C. & St. L | 6 | 2,316 | 386 | 275 | Danville, N. Y. C.; Gibson, I. H. B.; Franklin Park, M. St. P. S. S. & M. |
| | | I. C | 19 | 7,220 | 380 | 275 | Riverdale, I. H. B.; Franklin Park, M. St. P. S. S. & M. |
| | | Mo. Pac | 19 | 7,471 | 393 | 275 | (2). |
| | | Total | 60 | 23,743 | 396 | ---- | |

See footnotes at end of table.

*Statement of rates and average distances, via short tariff routes, from Brazil-Clinton, Linton-Sullivan, central Illinois and southern Illinois to points shown herein*—Continued

264 JANESVILLE, WISCONSIN

| Item no. | 1 Origin group | 2 Initial carrier | 3 Origin points | 4 Total miles | 5 Average | 6 Rate | 7 Route |
|---|---|---|---|---|---|---|---|
| 1 | Brazil-Clinton | B. & O. | 3 | 792 | 264 | 245 | Hillsdale, C. & E. I.; Chicago, C. & N. W. |
| | | C. & E. I. | 5 | 1,305 | 261 | 245 | Chicago, C. & N. W. |
| | | C. M. St. P. & P. | 4 | 1,012 | 253 | 245 | Delmar, C. M. & G.; De Kalb, C. & N. W. |
| | | C. C. C. & St. L. | 4 | 1,104 | 276 | 245 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | Penna. | 7 | 2,352 | 336 | 245 | Chicago, C. & N. W. |
| | | Total | 23 | 6,565 | 285 | | |
| 2 | Linton-Sullivan | C. & E. I. | 13 | 3,783 | 291 | 255 | Chicago, C. & N. W. |
| | | C. I. & L. | 4 | 1,300 | 325 | 255 | Chicago, C. & N. W. |
| | | C. M. St. P. & P. | 7 | 2,079 | 297 | 255 | Delmar, C. M. & G.; De Kalb, C. & N. W. |
| | | C. C. C. & St. L. | 5 | 1,495 | 299 | 255 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C. | 6 | 2,052 | 342 | 255 | Mendota, C. M. St. P. & P. |
| | | Penna. | 5 | 1,940 | 388 | 255 | Chicago, C. & N. W. |
| | | Total | 40 | 12,649 | 316 | | |
| 3 | Central Illinois | Alton | 20 | 5,300 | 265 | 245 | Peoria, C. & N. W. |
| | | B. & O. | 5 | 1,340 | 268 | 245 | Bando, C. & N. W. |
| | | C. & E. I. | 5 | 1,585 | 317 | 245 | Chicago, C. & N. W. |
| | | C. & I. M. | 9 | 2,376 | 264 | 245 | Barr, C. & N. W. |
| | | C. & N. W. | 14 | 3,556 | 254 | 245 | C. & N. W. direct. |
| | | C. B. & Q. | 6 | 1,872 | 312 | 245 | Mendota, C. M. & St. P. |
| | | C. S. & St. L. | 2 | 502 | 251 | 245 | Springfield, C. & I. M.; Barr, C. & N. W. |
| | | C. C. C. & St. L. | 8 | 2,592 | 324 | 245 | Gillespie, C. & N. W. |
| | | I. C. | 9 | 2,097 | 233 | 245 | Mendota, C. M. & St. P. |
| | | Ill. Term. | 6 | 1,776 | 296 | 245 | Peoria, C. & N. W. |
| | | L. & M. | 3 | 885 | 295 | 245 | Mt. Olive, I. C.; Mendota, C. M. St. P. & P. |
| | | N. Y. C. & St. L. | 3 | 840 | 280 | 245 | Ramsey, I. C.; Mendota, C. M. St. P. & P. |
| | | Penna. | 1 | 272 | 272 | 245 | Peoria, C. & N. W. |
| | | S. T. | 1 | 235 | 235 | 245 | Springfield, I. C.; Mendota, C. M. St. P. & P. |
| | | Wabash | 9 | 2,709 | 301 | 245 | Brisbane, E. J. & E.; Barrington, C. & N. W. |
| | | Total | 101 | 27,937 | 277 | | |
| 4 | Southern Illinois | C. & E. I. | 7 | 2,765 | 395 | 275 | Chicago, C. & N. W. |
| | | C. B. & Q. | 9 | 3,582 | 398 | 275 | Virden, C. & N. W. |
| | | C. C. C. & St. L. | 6 | 2,448 | 408 | 275 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C. | 19 | 6,859 | 361 | 275 | Mendota, C. M. St. P. & P. |
| | | Mo. Pac. | 23 | 10,048 | 437 | 275 | (1). |
| | | Total | 64 | 25,702 | 402 | | |

See footnotes at end of table.

*Statement of rates and average distances, via short tariff routes, from Brazil-Clinton, Linton-Sullivan, central Illinois and southern Illinois to points shown herein*—Continued

KENOSHA, WISCONSIN

| Item no. | 1 Origin group | 2 Initial carrier | 3 Origin points | 4 Total miles | 5 Average | 6 Rate | 7 Route |
|---|---|---|---|---|---|---|---|
| 1 | Brazil-Clinton | B. & O | 3 | 675 | 225 | 198 | Hillsdale, C. & E. I.; Chicago, C. & N. W. |
| | | C. & E. I | 5 | 1,110 | 222 | 198 | Chicago, C. & N. W. |
| | | C. M. St. P. & P | 4 | 924 | 231 | 198 | Chicago, C. & N. W. |
| | | C. C. C. & St. L | 4 | 952 | 238 | 198 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | Penna | 7 | 2,079 | 297 | 198 | Chicago, C. & N. W. |
| | | Total | 23 | 5,740 | 250 | ---- | |
| 2 | Linton-Sullivan | C. & E. I | 13 | 3,276 | 252 | 208 | Chicago, C. & N. W. |
| | | C. I. & L | 4 | 1,144 | 286 | 208 | Chicago, C. & N. W. |
| | | C. M. St. P. & P | 7 | 1,925 | 275 | 208 | Chicago, C. & N. W. |
| | | C. C. C. & St. L | 5 | 1,305 | 261 | 208 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C | 6 | 1,902 | 317 | 208 | Chicago, C. & N. W. |
| | | Penna | 5 | 1,745 | 349 | 208 | Chicago, C. & N. W. |
| | | Total | 40 | 11,297 | 282 | ---- | |
| 3 | Central Illinois | Alton | 20 | 4,940 | 247 | 203 | Chicago, C. & N. W. |
| | | B. & O | 5 | 1,510 | 302 | 203 | Bando, C. & N. W. |
| | | C. & E. I | 5 | 1,390 | 278 | 203 | Chicago, C. & N. W. |
| | | C. & I. M | 5 | 1,325 | 265 | 203 | Taylorville, Wabash; Chicago, C. & N. W. |
| | | C. & N. W | 14 | 4,018 | 287 | 203 | C. & N. W. direct. |
| | | C. B. & Q | 6 | 2,046 | 341 | 203 | Eola, E. J. & E.; Waukegan, C. & N. W. |
| | | C. S. & St. L | 2 | 526 | 263 | 203 | Springfield, Wabash; Chicago, C. & N. W. |
| | | C. C. C. & St. L | 9 | 2,520 | 280 | 203 | Danville, N. Y. C.; Hartsdale, E. J. & E.; Waukegan, C. & N. W. |
| | | I. C | 9 | 2,223 | 247 | 203 | Chicago, C. & N. W. |
| | | Ill. Term | 6 | 1,980 | 330 | 203 | Peoria, C. & N. W. |
| | | L. & M | 3 | 927 | 309 | 203 | Mt. Olive, I. C.; Chicago, C. & N. W. |
| | | N. Y. C. & St. L | 3 | 897 | 299 | 203 | Neoga, I. C.; Chicago, C. & N. W. |
| | | Penna | 1 | 306 | 306 | 203 | Peoria, C. & N. W. |
| | | S. T | 1 | 239 | 239 | 203 | Springfield, Alton; Chicago, C. & N. W. |
| | | Wabash | 9 | 2,439 | 271 | 203 | Chicago, C. & N. W. |
| | | Total | 98 | 27,286 | 278 | ---- | |
| 4 | Southern Illinois | C. & E. I | 7 | 2,492 | 356 | 233 | Chicago, C. & N. W. |
| | | C. B. & Q | 9 | 4,050 | 450 | 233 | Eola, E. J. & E.; Waukegan, C. & N. W. |
| | | C. C. C. & St. L | 6 | 2,220 | 370 | 233 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C | 19 | 6,954 | 366 | 233 | Chicago, C. & N. W. |
| | | Mo. Pac | 22 | 9,552 | 434 | 233 | (9). |
| | | Total | 63 | 25,268 | 401 | ---- | |

See footnotes at end of table.

*Statement of rates and average distances, via short tariff routes, from Brazil-Clinton, Linton-Sullivan, central Illinois and southern Illinois to points shown herein*—Continued

265 MADISON, WISCONSIN

| Item no. | 1 Origin group | 2 Initial carrier | 3 Origin points | 4 Total miles | 5 Average | 6 Rate | 7 Rate |
|---|---|---|---|---|---|---|---|
| 1 | Brazil-Clinton | B. & O | 3 | 909 | 303 | 245 | Hillsdale, C. & E. I.; Chicago, C. & N. W. |
| | | C. & E. I | 5 | 1,560 | 300 | 245 | Chicago, C. & N. W. |
| | | C. M. St. P. & P | 4 | 1,148 | 287 | 245 | Delmar, C. M. & G; De Kalb, C. & N. W. |
| | | C. C. C. & St. L | 4 | 1,260 | 315 | 245 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | Penna | 7 | 2,625 | 375 | 245 | Logansport, Penna.; Chicago, C. & N. W. |
| | | Total | 23 | 7,442 | 324 | ----- | |
| 2 | Linton-Sullivan | C. & E. I | 13 | 4,290 | 330 | 255 | Chicago, C. & N. W. |
| | | C. I. & L | 4 | 1,456 | 364 | 255 | Chicago, C. & N. W. |
| | | C. M. St. P. & P | 7 | 2,317 | 331 | 255 | Delmar, C. M. & G.; De Kalb, C. & N. W. |
| | | C. C. C. & St. L | 5 | 1,690 | 338 | 255 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C | 6 | 2,280 | 380 | 255 | I. C. direct. |
| | | Penna | 5 | 2,135 | 427 | 255 | Logansport, Penna.; Chicago, C. & N. W. |
| | | Total | 40 | 14,168 | 354 | ----- | |
| 3 | Central Illinois | Alton | 20 | 6,500 | 325 | 245 | Chicago, C. M. St. P. & P. |
| | | B. & O | 5 | 1,510 | 302 | 245 | Bando, C. & N. W. |
| | | C. & E., I | 6 | 1,610 | 322 | 245 | Sullivan, I. C. |
| | | C. & I. M | 9 | 2,682 | 298 | 245 | Barr, C. & N. W. |
| | | C. & N. W | 14 | 4,018 | 287 | 245 | C. & N. W. direct. |
| | | C. B. & Q | 6 | 2,112 | 352 | 245 | Mendota, C. M. St. P. & P. |
| | | C. S. & St. L | 2 | 536 | 268 | 245 | Springfield, I. C. |
| | | C. C. C. & St. L | 8 | 2,560 | 320 | 245 | Pana, I. C. |
| | | I. C | 9 | 2,430 | 270 | 245 | I. C. direct. |
| | | Ill. Term | 6 | 1,980 | 330 | 245 | Peoria, C. & N. W. |
| | | L. & M | 3 | 996 | 332 | 245 | Mt. Olive, I. C. |
| | | N. Y. C. & St. L | 3 | 1,089 | 363 | 245 | Neoga, I. C. |
| | | Penna | 1 | 306 | 306 | 245 | Peoria, C. & N. W. |
| | | S. T | 1 | 272 | 272 | 245 | Springfield, I. C. |
| | | Wabash | 9 | 3,060 | 340 | 245 | Brisbane, E. J. & E.; Barrington, C. & N. W. |
| | | Total | 101 | 31,661 | 313 | ----- | |
| 4 | Southern Illinois | C. & E. I | 7 | 2,800 | 400 | 275 | Sullivan, I. C. |
| | | C. B. & Q | 9 | 3,888 | 432 | 275 | Virden, C. & N. W. |
| | | C. C. C. & St. L | 6 | 2,682 | 447 | 275 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C | 19 | 7,581 | 399 | 275 | I. C. direct. |
| | | Mo. Pac | 22 | 10,370 | 471 | 275 | (1). |
| | | Total | 63 | 27,321 | 434 | ----- | |

See footnotes at end of table.

*Statement of rates and average distances, via short tariff routes, from Brazil-Clinton, Linton-Sullivan, central Illinois and southern Illinois to points shown herein*—Continued

MILWAUKEE, WISCONSIN

| Item no. | 1 Origin group | 2 Initial carrier | 3 Origin points | 4 Total miles | 5 Average | 6 Rate | 7 Rate |
|---|---|---|---|---|---|---|---|
| 1 | Brazil-Clinton | B. & O | 3 | 774 | 258 | 223 | Hillsdale, C. & E. I.; Chicago, C. & N. W. |
| | | C. & E. I | 5 | 1,275 | 255 | 223 | Chicago, C. & N. W. |
| | | C. M. St. P. & P | 4 | 992 | 248 | 223 | Faithorn and Bensenville, C. M. St. P. & P. |
| | | C. C. C. & St. L | 4 | 1,080 | 270 | 223 | Danville, N. Y. C.; Chicago, via Mayfair and Skokie Jct., C. & N. W. |
| | | Penna | 7 | 2,310 | 330 | 223 | Logansport, Penna.; Chicago, C. & N. W. |
| | | Total | 23 | 6,431 | 280 | ---- | |
| 2 | Linton-Sullivan | C. & E. I | 13 | 3,705 | 285 | 233 | Chicago, C. & N. W. |
| | | C. I. & L | 4 | 1,276 | 319 | 233 | Chicago, C. & N. W. |
| | | C. M. St. P. & P | 7 | 2,044 | 292 | 233 | Faithorn and Bensenville, C. M. St. P. & P. |
| | | C. C. C. & St. L | 5 | 1,470 | 294 | 233 | Danville, N. Y. C.; Chicago, via Mayfair and Skokie Jct., C. & N. W. |
| | | I. C | 6 | 2,100 | 350 | 233 | Chicago, C. & N. W. |
| | | Penna | 5 | 1,910 | 382 | 233 | Logansport, Penna.; Chicago, C. & N. W. |
| | | Total | 40 | 12,505 | 313 | ---- | |
| 3 | Central Illinois | Alton | 20 | 5,600 | 280 | 228 | Chicago, C. & N. W. |
| | | B. & O | 4 | 1,172 | 293 | 228 | Springfield-Alton-Chicago, C. M. St. P. & P. |
| | | C. & E. I | 5 | 1,555 | 311 | 228 | Chicago, C. M. St. P. & P. |
| | | C. & I. M | 9 | 2,799 | 311 | 228 | Cimic, I. C.; Chicago, C. M. St. P. & P. |
| | | C. & N. W | 14 | 4,452 | 318 | 228 | Via Mayfair and Skokie Jct., C. & N. W. |
| | | C. B. & Q | 6 | 2,304 | 384 | 228 | Eola, E. J. & E.; Spaulding, C. M. St. P. & P. |
| | | C. S. & St. L | 2 | 592 | 296 | 228 | Springfield-Wabash-Chicago, C. M. St. P. & P. |
| | | C. C. C. & St. L | 9 | 3,285 | 365 | 228 | Danville, N. Y. C.; Chicago, C. M. St. P. & P. |
| | | I. C | 9 | 2,520 | 280 | 228 | Chicago, C. M. St. P. & P. |
| | | Ill. Term | 6 | 2,166 | 361 | 228 | Peoria, C. & N. W. |
| | | L. & M | 3 | 1,026 | 342 | 228 | Mt. Olive, I. C.; Chicago, C. M. St. P. & P. |
| | | N. Y. C. & St. L | 3 | 996 | 332 | 228 | Neoga, I. C.; Chicago, C. & N. W. |
| | | Penna | 1 | 270 | 270 | 228 | Atlanta-Alton-Chicago, C. M. St. P. & P. |
| | | S. T | 1 | 272 | 272 | 228 | Springfield-Alton-Chicago, C. M. St. P. & P. |
| | | Wabash | 9 | 2,736 | 304 | 228 | Chicago, C. M. St. P. & P. |
| | | Total | 101 | 31,745 | 314 | ---- | |
| 4 | Southern Illinois | C. & E. I | 7 | 2,723 | 389 | 258 | Chicago, C. & N. W. |
| | | C. B. & Q | 9 | 4,320 | 480 | 258 | Eola, E. J. & E.; Rondout, C. M. St. P. & P. |
| | | C. C. C. & St. L | 6 | 2,418 | 403 | 258 | Danville, N. Y. C.; Chicago, via Mayfair and Skokie Jct., C. & N. W. |
| | | I. C | 19 | 7,581 | 399 | 258 | Chicago, C. & N. W. |
| | | Mo. Pac | 21 | 9,177 | 437 | 258 | (5). |
| | | Total | 62 | 26,219 | 423 | ---- | |

See footnotes at end of table.

*Statement of rates and average distances, via short tariff routes, from Brazil-Clinton, Linton-Sullivan, central Illinois and southern Illinois to points shown herein*—Continued

266 WATERTOWN, WIS.

| Item no. | 1 Origin group | 2 Initial carrier | 3 Origin points | 4 Total miles | 5 Average | 6 Rate | 7 Rate |
|---|---|---|---|---|---|---|---|
| 1 | Brazil-Clinton | B. & O. | 3 | 909 | 303 | 270 | Hillsdale, C. & E. I.; Chicago, C. & N. W. |
| | | C. & E. I. | 5 | 1,500 | 300 | 270 | Chicago, C. & N. W. |
| | | C. M. St. P. & P. | 4 | 1,172 | 293 | 270 | Delmar, C. M. & G.; De Kalb, C. & N. W. |
| | | C. C. C. & St. L. | 4 | 1,260 | 315 | 270 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | Penna. | 7 | 2,625 | 375 | 270 | Logansport, Penna.; Chicago, C. & N. W. |
| | | Total | 28 | 7,466 | 325 | ----- | |
| 2 | Linton-Sullivan | C. & E. I. | 13 | 4,290 | 330 | 280 | Chicago, C. & N. W. |
| | | C. I. & L. | 4 | 1,456 | 364 | 280 | Do. |
| | | C. M. St. P. & P. | 7 | 2,359 | 337 | 280 | Delmar, C. M. & G.; De Kalb, C. & N. W. |
| | | C. C. C. & St. L. | 5 | 1,690 | 338 | 280 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C. | 6 | 2,514 | 419 | 280 | Mendota, C. M. St. P. & P. |
| | | Penna. | 5 | 2,135 | 427 | 280 | Logansport, Penna.; Chicago, C. M. St. P. & P. |
| | | Total | 40 | 14,444 | 361 | ----- | |
| 3 | Central Illinois | Alton | 20 | 6,100 | 305 | 270 | Peoria, C. & N. W. |
| | | B. & O. | 5 | 1,540 | 308 | 270 | Bando, C. & N. W. |
| | | C. & E. I. | 5 | 1,780 | 356 | 270 | Chicago, C. & N. W. |
| | | C. & I. M. | 9 | 2,727 | 303 | 270 | Barr, C. & N. W. |
| | | C. & N. W. | 14 | 4,102 | 293 | 270 | C. & N. W. direct. |
| | | C. B. & Q. | 6 | 2,292 | 382 | 270 | Sterling, C. & N. W. |
| | | C. S. & St. L. | 2 | 580 | 290 | 270 | Springfield, C. & I. M.; Barr, C. & N. W. |
| | | C. C. C. & St. L. | 8 | 2,912 | 364 | 270 | Gillespie, C. & N. W. |
| | | I. C. | 9 | 2,790 | 310 | 270 | Mendota, C. M. St. P. & P. |
| | | Ill. Term. | 6 | 2,016 | 336 | 270 | Peoria, C. & N. W. |
| | | L. & M. | 3 | 1,062 | 354 | 270 | Benld, C. & N. W. |
| | | N. Y. C. & St. L. | 3 | 1,281 | 427 | 270 | Neoga, I. C.; Peoria, C. & N. W. |
| | | Penna. | 1 | 312 | 312 | 270 | Peoria, C. & N. W. |
| | | S. T. | 1 | 297 | 297 | 270 | Springfield, Alton, Peoria, C. & N. W. |
| | | Wabash | 9 | 3,141 | 349 | 270 | Chicago, C. & N. W. |
| | | Total | 101 | 32,932 | 326 | ----- | |
| 4 | Southern Illinois | C. & E. I. | 7 | 3,038 | 434 | 300 | Chicago, C. & N. W. |
| | | C. B. & Q. | 9 | 3,942 | 438 | 300 | Virden, C. & N. W. |
| | | C. C. C. & St. L. | 6 | 2,682 | 447 | 300 | Danville, N. Y. C.; Chicago, C. & N. W. |
| | | I. C. | 19 | 8,322 | 438 | 300 | Mendota, C. M. St. P. & P. |
| | | Mo. Pac. | 23 | 11,190 | 487 | 300 | (1) |
| | | Total | 64 | 29,174 | 456 | ----- | |

[1] Group 1 via East St. Louis, L. & M.; Benld., C. & N. W. Group 10 via East St. Louis, L. & M.; Benld, C. & N. W. Group 17 via Marion, I. C.; Mendota, C. M. St. P. & P.
[2] Group 1 via Benton, C. & E. I.; Chicago, M. S. T. P. S. S. & M. Group 17 via Marion, I. C.; Riverdale, I. H. B.; Franklin Park, M. S. T. P. S. S. & M.
[3] Group 1 via East St. Louis, Alton, Joliet, E. J. & E.; Waukegan, C. & N. W. Group 10 via East St. Louis, L. & M.; Benld, C. & N. W. Group 17 via Marion, I. C.; Chicago, C. & N. W.
[4] Group 1 via East St. Louis, L. & M.; Benld, C. & N. W. Group 10 via Valley Junction, I. C. Group 17 via Marion, I. C.
[5] Group 1 via Benton, C. & E. I.; Chicago Heights, E. J. & E.; Rondout, C. N. S. & M. Group 10 via East St. Louis, Alton, Chicago, C. & N. W. Group 17 via Marion, I. C.; Chicago, C. & N. W

267

## *Exhibit 24. Waffle*

*Recapitulation of constructed Indiana rates based on southern Illinois and central Illinois percents of the 23922 and H. & H. scales, as developed in the exhibits listed below*

| Exhibit | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Rockford | | | | Freeport | | | | Rockford and Freeport | | | | | |
| | | Brazil-Clinton | | Linton-Sullivan | | Brazil-Clinton | | Linton-Sullivan | | Brazil-Clinton | | Linton-Sullivan | | Average of 23922 and H. & H. | |
| Our no. | Record no. | 23922 | H. & H. | 23922 | H. & H. | 23922 | H. & H. | 23922 | H. & H. | 23922 | H. & H. | 23922 | H. & H. | Brazil-Clinton | Linton-Sullivan |
| 7 | | 167 | 149 | 174 | 164 | 168 | 158 | 181 | 173 | 168 | 154 | 174 | 169 | 161 | 172 |
| 8 | | 169 | 166 | 176 | 183 | 170 | 175 | 183 | 191 | 170 | 170 | 176 | 186 | 170 | 181 |
| 9 | | 161 | 149 | 168 | 164 | 178 | 175 | 192 | 191 | 174 | 159 | 181 | 174 | 167 | 178 |
| 10 | | 169 | 166 | 176 | 183 | 176 | 186 | 190 | 203 | 176 | 175 | 183 | 192 | 176 | 187 |
| 11 | | 171 | 164 | 178 | 180 | 178 | 167 | 192 | 187 | 173 | 163 | 187 | 179 | 168 | 183 |
| 12 | | 174 | 164 | 181 | 172 | 181 | 169 | 187 | 176 | 174 | 162 | 181 | 176 | 168 | 179 |
| 13 | | 171 | 164 | 178 | 180 | 178 | 170 | 192 | 190 | 171 | 166 | 185 | 181 | 169 | 183 |
| 14 | | | 159 | | 180 | | 170 | | 190 | | 163 | | 179 | 163 | 179 |
| Average | | 169 | 160 | 176 | 176 | 176 | 171 | 188 | 188 | 172 | 164 | 181 | 180 | 168 | 180 |

268

## *Exhibit 25. Waffle*

*Average spread in distance, Brazil-Clinton and Linton-Sullivan under southern Illinois, based on combined average distances to Rockford and Freeport shown in exhibits listed below*

| Exhibit | | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|
| | | | | | Indiana under southern Illinois | |
| Our number | Record number | Brazil-Clinton | Linton-Sullivan | Southern Illinois | Brazil-Clinton | Linton-Sullivan |
| 7 | | 251 | 295 | 381 | 130 | 86 |
| 9 | | 251 | 295 | 361 | 110 | 66 |
| 11 | | 246 | 290 | 332 | 90 | 42 |
| 12 | | 288 | 313 | 381 | 93 | 68 |
| 13 | | 246 | 287 | 332 | 86 | 45 |
| 14 | | 243 | 289 | 334 | 91 | 45 |
| Average | | 254 | 294 | 354 | 100 | 60 |

269

## *Exhibit 26. Waffle*

*Statement of differentials in effect between various coal fields*

| Item no. | 1 From— | 2 Group | 3 To— | 4 Difference in distance | 5 Differential per ton | 6 Reference to I. C. C. decisions: Volume | 7 Reference to I. C. C. decisions: Page |
|---|---|---|---|---|---|---|---|
| 1 | Southern Illinois | Du Quoin | Chicago, Ill | 50 | 10 | 128 | 265 |
| 2 | Brazil-Clinton | Danville | Chicago, Ill | 50 | 20 | 128 | 265 |
| 3 | Group 9 | Belleville | East St. Louis, Ill | 51 | 25 | 161 | 371 |
| 4 | Princeton | Springfield | Chicago, Ill | 52 | 12 | 128 | 265 |
| 5 | Belleville | Centralia | Chicago, Ill | 52 | 20 | 128 | 265 |
| 6 | Linton-Sullivan | Fulton-Peoria | Chicago, Ill | 53 | 10 | 128 | 265 |
| 7 | Group 14 | Belleville | East St. Louis, Ill | 55 | 7 | 161 | 371 |
| 8 | Group 8 | Belleville | East St. Louis, Ill | 56 | 19 | 161 | 371 |
| 9 | Linton-Sullivan | Du Quoin | Chicago, Ill | 59 | 20 | 128 | 265 |
| 10 | Boonville | Linton-Sullivan | Chicago, Ill | 60 | 15 | 128 | 265 |
| 11 | Group 15 | Belleville | East St. Louis, Ill | 60 | 21 | 161 | 371 |
| 12 | Brazil-Clinton | Centralia | Chicago, Ill | 61 | 10 | 128 | 265 |
| 13 | Evansville | Linton-Sullivan | Chicago, Ill | 61 | 30 | 128 | 265 |
| 14 | Fulton-Peoria | Northern Illinois | Chicago, Ill | 62 | 20 | 128 | 265 |
| 15 | Princeton | Southern Illinois | Chicago, Ill | 63 | 18 | 128 | 265 |
| 16 | Du Quoin | Springfield | Chicago, Ill | 65 | 20 | 128 | 265 |
| 17 | Boonville | Springfield | Chicago, Ill | 66 | 15 | 128 | 265 |
| 18 | Linton-Sullivan | Belleville | Chicago, Ill | 67 | 20 | 128 | 265 |
| 19 | Evansville | Springfield | Chicago, Ill | 67 | 30 | 128 | 265 |
| 20 | Centralia | Fulton-Peoria | Chicago, Ill | 68 | 10 | 128 | 265 |
| 21 | Brazil-Clinton | Northern Illinois | Chicago, Ill | 69 | 30 | 128 | 265 |
| 22 | Group 16 | Belleville | East St. Louis, Ill | 70 | 23 | 161 | 371 |
| 23 | Total | | | 1,317 | 395 | | |
| | Average | | | 60 | 18 | | |
| 24 | Evansville | Western Kentucky | Chicago, Ill | 83 | 35 | 128 | 265 |
| 25 | Boonville | Western Kentucky | Chicago, Ill | 84 | 50 | 128 | 265 |
| 26 | Du Quoin | Western Kentucky | Chicago, Ill | 85 | 45 | 128 | 265 |
| 27 | Springfield | Danville | Chicago, Ill | 90 | 30 | 128 | 265 |
| 28 | Group 13 | Belleville | East St. Louis, Ill | 91 | 29 | 161 | 371 |
| 29 | Princeton | Brazil-Clinton | Chicago, Ill | 92 | 22 | 128 | 265 |
| 30 | Southern Illinois | Centralia | Chicago, Ill | 94 | 30 | 128 | 265 |
| 31 | Linton-Sullivan | Danville | Chicago, Ill | 96 | 30 | 128 | 265 |
| 32 | Princeton | Western Kentucky | Chicago, Ill | 98 | 53 | 128 | 265 |
| 33 | Princeton | Fulton-Peoria | Chicago, Ill | 99 | 32 | 128 | 265 |
| 34 | Brazil-Clinton | Du Quoin | Chicago, Ill | 105 | 30 | 128 | 265 |
| 35 | Boonville | Brazil-Clinton | Chicago, Ill | 106 | 25 | 128 | 265 |
| 36 | Evansville | Brazil-Clinton | Chicago, Ill | 107 | 40 | 128 | 265 |
| 37 | Linton-Sullivan | Southern Illinois | Chicago, Ill | 109 | 30 | 128 | 265 |
| 38 | Springfield | Northern Illinois | Chicago, Ill | 109 | 40 | 128 | 265 |
| 39 | Centralia | Danville | Chicago, Ill | 111 | 30 | 128 | 265 |
| 40 | Du Quoin | Fulton-Peoria | Chicago, Ill | 112 | 30 | 128 | 265 |
| 41 | Boonville | Fulton-Peoria | Chicago, Ill | 113 | 25 | 128 | 265 |
| 42 | Brazil-Clinton | Belleville | Chicago, Ill | 113 | 30 | 128 | 265 |
| 43 | Evansville | Fulton-Peoria | Chicago, Ill | 114 | 40 | 128 | 265 |
| 44 | Southern Illinois | Springfield | Chicago, Ill | 115 | 30 | 128 | 265 |
| 45 | Linton-Sullivan | Northern Illinois | Chicago, Ill | 115 | 40 | 128 | 265 |
| 46 | Belleville | Fulton-Peoria | Chicago, Ill | 120 | 30 | 128 | 265 |
| 47 | Total | | | 2,361 | 766 | | |
| | Average | | | 103 | 33 | | |

270

## *Exhibit 27, Waffle*

*Statement showing distances from southern Illinois to Rockford, Illinois*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| C. & E. I. Ry.: | | | |
| 1. Benton | Momence, C., M., St. P. & P. R. R. | 368.7 | |
| 2. Johnston City | | 381.4 | |
| 3. Marion | | 387.3 | |
| 4. Orient | | 379.5 | |
| 5. Spillerton | | 384.7 | 384.7 |
| 6. West Frankfort | | 375.7 | |
| Total | | 2,277.3 | 384.7 |
| Average | | 379.6 | 384.7 |
| C., B. & Q. R. R.: | | | |
| 1. Christopher | Mendota, C., M., St. P. & P. R. R. | 381.6 | |
| 2. Christopher mine no. 16 | | 375.1 | 320.9 |
| 3. Christopher mine no. 19 | | 379.6 | 325.4 |
| 4. Christopher mine no. 20 | | 394.5 | |
| 5. Energy mine no. 5 | | 390.5 | |
| 6. Freeman | | 390.5 | 336.3 |
| 7. Freeman mine | | 392.5 | |
| 8. Herrin | | 394.4 | |
| 9. Jeffries | | 396.4 | |
| 10. Mine no. 22 | | 372.6 | 372.6 |
| 11. Orient | | 392.5 | |
| 12. Royalton | | 391.5 | |
| 13. Sesser | | 373.3 | 373.3 |
| 14. West Frankfort | | 392.3 | |
| 15. West Frankfort mine | | 396.3 | 396.3 |
| 16. West Frankfort mine no. 24 | | 399.6 | 399.6 |
| 17. Zeigler | | 387.5 | |
| Total | | 6,600.7 | 2,524.4 |
| Average | | 388.3 | 360.6 |
| 271 C., C., C. & St. L. Ry.: | | | |
| 1. Carrier Mills | Danville, N. Y. C.; Momence, C., M., St. P. & P. R. R. | 406.0 | 406.0 |
| 2. Eldorado | | 391.5 | |
| 3. Harco | | 409.4 | 409.4 |
| 4. Harrisburg | | 399.0 | 399.0 |
| 5. Ledford | | 402.7 | 402.7 |
| 6. Norris City | | 378.4 | 378.4 |
| 7. Wasson Jct | | 407.2 | 407.2 |
| Total | | 2,794.2 | 2,402.7 |
| Average | | 399.2 | 400.5 |
| I. C. R. R.: | | | |
| 1. Benton | Mendota, C., M., St. P. & P. R. R. | 321.1 | 321.1 |
| 2. Birkner's Spur | | 325.5 | 325.5 |
| 3. Buckner | | 315.6 | 315.6 |
| 4. Cambria | | 329.5 | 329.5 |
| 5. Carterville | | 332.0 | 332.0 |
| 6. Christopher | | 313.4 | 313.4 |
| 7. Christopher mine no. 20 | | 322.2 | 322.2 |
| 8. Clifford | | 331.1 | 331.1 |
| 9. Eldorado | | 352.5 | 352.5 |
| 10. Energy no. 5 | | 334.8 | 334.8 |
| 11. Freeman mine | | 324.6 | 324.6 |
| 12. Freeman mine no. 1 | | 325.1 | 325.1 |
| 13. Freeman mine no. 2 | | 326.3 | 326.3 |
| 14. Galatia | | 342.2 | 342.2 |
| 15. Herrin | | 326.0 | 326.0 |
| 16. Jeffries | | 328.9 | 328.9 |
| 17. Johnston City | | 332.3 | 332.3 |
| 18. Marion | | 340.6 | 340.6 |
| 19. New Monarch mine | | 327.0 | 327.0 |
| 20. Oraville | | 327.0 | 327.0 |
| 21. Orient | | 332.3 | 332.3 |
| 22. Royalton | | 322.6 | 322.6 |
| 23. Vergennes | | 324.5 | 324.5 |
| 24. West Frankfort | | 329.9 | 329.9 |
| 25. West Frankfort mine no. 18 | | 327.9 | 327.9 |
| 272 26. Zeigler | | 318.1 | 318.1 |
| Total | | 8,533.0 | 8,533.0 |
| Average | | 328.2 | 328.2 |

*Statement showing distances from southern Illinois to Rockford, Illinois*—Continued

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| M. P. R. R.: | | | |
| 1. Bento | Benton, C. & E. I. Ry.; Chicago, C., M., St. P. & P. R. R. | 389.7 | |
| 2. Bush-Hurst | | 406.1 | 406.1 |
| 3. Clifford | | 409.9 | |
| 4. Herrin | | 412.9 | |
| 5. Johnston City | | 420.2 | |
| 6. Royalton | | 405.0 | |
| 7. Sincerity mine | | 418.7 | 418.7 |
| 8. Zeigler | | 400.2 | |
| Total | | 3,262.7 | 824.8 |
| Average | | 407.8 | 412.4 |
| M. P. R. R. (old M. & E. R. R.): | | | |
| 1. Black Briar no. 2 | Marion, I. C. R. R.; Mendota, C., M., St. P. & P. R. R. | 345.0 | 345.0 |
| 2. Franco no. 2 | | 345.8 | 345.8 |
| 3. Franco no. 3 | | 348.4 | 348.4 |
| 4. Keystone mine | | 346.6 | 346.6 |
| 5. Orchard mine | | 346.5 | 346.5 |
| 6. Pittsburg | | 346.5 | 346.5 |
| Total | | 2,078.8 | 2,078.8 |
| Average | | 346.5 | 346.5 |

RECAPITULATION

| Origin line | All billing points on all lines: No. of points | All billing points on all lines: Total miles | All billing points on all lines: Average miles | Each billing point used but once: No. of points | Each billing point used but once: Total miles | Each billing point used but once: Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| C. & E. I. Ry | 6 | 2,277.3 | 379.6 | 1 | 384.7 | 384.7 | I. C. C. 263. |
| C., B. & Q. R. R. | 17 | 6,600.7 | 388.3 | 7 | 2,524.4 | 360.6 | I. C. C. 17994. |
| C., C., C. & St. L. Ry. | 7 | 2,794.2 | 399.2 | 6 | 2,402.7 | 400.5 | I. C. C. 8513. |
| I. C. R. R. | 26 | 8,533.0 | [1] 328.2 | 26 | 8,533.0 | [1] 328.2 | I. C. C. E-1710. |
| M. P. R. R. | 8 | 3,262.7 | 407.8 | 2 | 824.8 | 412.4 | I. C. C. A-7899. |
| M. P. R. R. (old M. & E.). | 6 | 2,078.8 | 346.5 | 6 | 2,078.8 | 346.5 | I. C. C. R. R., I. C. C. E-1710. |
| | 70 | 25,546.7 | 365.0 | 48 | 16,768.4 | 349.3 | |

[1] Short tariff route.

273 *Statement showing distances from Brazil-Clinton, Indiana, to Rockford, Illinois*

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| B. & O. R. R.: | | | |
| 1. Brazil | West Dana, C. M., St. P. & P. R. R. | 256.3 | |
| 2. Coal Bluff | | 248.4 | 248.4 |
| 3. Coxville | | 241.9 | 241.9 |
| 4. Mecca | | 235.9 | 235.9 |
| 5. Rosedale | | 244.0 | 244.0 |
| Total | | 1,226.5 | 970.2 |
| Average | | 245.3 | 242.6 |
| C. & E. I. Ry.: | | | |
| 1. Brazil | Momence, C., M., St. P. & P. R. R. | 254.8 | 254.8 |
| 2. Clinton | | 233.6 | 233.6 |
| 3. Ehrmandale | | 248.0 | 248.0 |
| 4. Newport | | 217.6 | 217.6 |
| 5. Terre Haute | | 248.2 | 248.0 |
| Total | | 1,202.2 | 1,202.2 |
| Average | | 240.4 | 240.4 |
| C., M., St. P. & P. R. R.: | | | |
| 1. Blanchard | Direct | 230.1 | 230.1 |
| 2. Bradshaw | | 234.2 | 234.2 |
| 3. St. Bernice | | 226.7 | 226.7 |
| 4. Terre Haute | | 256.2 | |
| 5. West Clinton | | 228.0 | 228.0 |
| Total | | 1,175.2 | 919.0 |
| Average | | 235.0 | 229.8 |
| C., C., C. & St. L. Ry.: | | | |
| 1. Carbon | Danville, N. Y. C., Momence, C., M., St. P. & P. R. R. | 282.9 | 282.9 |
| 2. Fontanet | | 275.4 | 275.4 |
| 3. Griff | | 263.5 | 263.5 |
| 4. St. Marys of the Woods | | 260.1 | 260.1 |
| 5. Terre Haute | | 264.1 | |
| Total | | 1,346.0 | 1,081.9 |
| Average | | 269.2 | 270.5 |
| 274 Penna. R. R.: | | | |
| 1. Asherville | Chicago, I. C. R. R. | 341.7 | 341.7 |
| 2. Brazil | | 333.7 | |
| 3. Center Point | | 345.7 | 345.7 |
| 4. Harmony | | 337.7 | 337.7 |
| 5. Rockville | | 296.7 | 296.7 |
| 6. Seeleyville | | 326.7 | 326.7 |
| 7. Staunton | | 330.7 | 330.7 |
| 8. Stearleys | | 343.7 | 343.7 |
| 9. Terre Haute | | 318.7 | |
| 10. West Terre Haute | | 321.7 | 321.7 |
| Total | | 3,297.0 | 2,644.6 |
| Average | | 329.7 | 330.6 |

RECAPITULATION

| Origin line | All billing points on all lines: No. of points | All billing points on all lines: Total miles | All billing points on all lines: Average miles | Each billing point used but once: No. of points | Each billing point used but once: Total miles | Each billing point used but once: Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| B. & O. R. R. | 5 | 1,226.5 | 245.3 | 4 | 970.2 | 242.6 | B.&O., I. C. C., W.L., 9794. |
| C. & E. I. Ry. | 5 | 1,202.2 | 240.4 | 5 | 1,202.2 | 240.4 | C. & E. I., I. C. C., 293. |
| C., M., St. P. & P. R. R. | 5 | 1,175.2 | [1] 235.0 | 4 | 919.0 | 229.8 | C., M., St. P. & P., I. C. C., B-5133. |
| C., C., C. & St. L. Ry. | 5 | 1,346.0 | 269.2 | 4 | 1,081.9 | 270.5 | C., C., C. & St. L., I. C. C., 8513. |
| Penna. R. R. | 10 | 3,297.0 | 329.7 | 8 | 2,644.6 | 330.6 | Penna., I. C. C., 929. |
| | 30 | 8,246.9 | 274.9 | 25 | 6,817.9 | 272.7 | |

[1] Short tariff route.

275 *Statement showing distances from Linton-Sullivan, Indiana, to Rockford, Illinois*

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| C. & E. I. Ry.: | | | |
| 1. Carlisle | Momence, C., M., St. P. & P. R. R. | 284.0 | 284.0 |
| 2. Delcarbo | | 270.8 | 270.8 |
| 3. Farmersburg | | 263.6 | 263.6 |
| 4. Hamilton | | 275.2 | 275.2 |
| 5. Hocking | | 266.3 | 266.3 |
| 6. Hymera | | 274.9 | 274.9 |
| 7. Jackson Hill | | 274.0 | 274.0 |
| 8. Kolsem | | 270.7 | 270.7 |
| 9. Mildred | | 271.5 | 271.5 |
| 10. Paxton | | 280.0 | 280.0 |
| 11. Peerless | | 273.1 | 273.1 |
| 12. Pimento | | 259.7 | 259.7 |
| 13. Reliance | | 270.9 | 270.9 |
| 14. Seifert | | 262.9 | 262.9 |
| 15. Shelburn | | 269.1 | 269.1 |
| 16. Standard | | 267.5 | 267.5 |
| 17. Sullivan | | 274.4 | 274.4 |
| Total | | 4,608.6 | 4,608.6 |
| Average | | 271.1 | 271.1 |
| C. & I. L. Ry.: | | | |
| 1. Andromeda | Shelby, N. Y. C.; Momence, C., M., St. P. & P. R. R. | 333.3 | 333.3 |
| 2. Cass | | 326.8 | |
| 3. Clay City | | 306.4 | |
| 4. Gilmore | | 324.0 | 324.0 |
| 5. Howesville | | 314.5 | 314.5 |
| 6. Little Giant | | 329.7 | 329.7 |
| 7. Midland | | 320.7 | 320.7 |
| 8. Owensburg | | 350.8 | 350.8 |
| 9. Patricksburg | | 297.8 | 297.8 |
| 10. Rainbow | | 330.1 | 330.1 |
| 11. Rowlands | | 316.6 | 316.6 |
| 276 12. Stewards | | 299.9 | 299.9 |
| 13. Victoria | | 325.8 | |
| Total | | 4,176.4 | 3,217.4 |
| Average | | 321.3 | 321.7 |
| C., M., St. P. & P. R. R.: | | | |
| 1. Blackhawk | Direct | 262.0 | 262.0 |
| 2. Coalmont | | 271.0 | 271.0 |
| 3. Hymera | | 270.8 | 270.8 |
| 4. Illene | | 290.4 | 290.4 |
| 5. Keller | | 258.3 | 258.3 |
| 6. Latta | | 274.8 | 274.8 |
| 7. Linton | | 283.1 | 283.1 |
| 8. Sullivan | | 280.5 | |
| 9. Vicksburg | | 278.7 | 278.7 |
| Total | | 2,469.6 | 2,189.1 |
| Average | | 274.4 | 273.6 |
| C., C., C. & St. L. Ry.: | | | |
| 1. Clay City | Danville, N. Y. C.; Momence, C., M., St. P. & P. R. R. | 290.5 | 290.5 |
| 2. Daggett | | 296.7 | 296.7 |
| 3. Hubbell | | 299.4 | 299.4 |
| 4. Riley | | 274.5 | 274.5 |
| 5. Saline City | | 284.4 | 284.4 |
| Total | | 1,445.5 | 1,445.5 |
| Average | | 289.1 | 289.1 |

*Statement showing distances from Linton-Sullivan, Indiana, to Rockford, Illinois*—Continued

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| I. C. R. R.: | | | |
| 1. Cass | Mendota, C., M., St. P. & P. R. R. | 307.7 | 307.7 |
| 2. Dugger | | 309.6 | 309.6 |
| 3. Linton | | 315.4 | |
| 4. Sullivan | | 300.7 | |
| 5. Victoria | | 313.1 | 313.1 |
| Total | | 1,546.5 | 930.4 |
| Average | | 309.3 | 310.1 |
| 277 Penna. R. R.: | | | |
| 1. Bicknell | Chicago, I. C. R. R. | 391.7 | 391.7 |
| 2. Westphalia | | 383.7 | 383.7 |
| Total | | 775.4 | 775.4 |
| Average | | 387.7 | 387.7 |

RECAPITULATION

| Origin line | All billing points on all lines: No. of points | All billing points on all lines: Total miles | All billing points on all lines: Average miles | Each billing point used but once: No. of points | Each billing point used but once: Total miles | Each billing point used but once: Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| C. & E. I. Ry | 17 | 4,608.6 | [1]271.1 | 17 | 4,608.6 | 271.1 | C. & E. I., I. C. C. 263. |
| C. & I. L. Ry | 13 | 4,176.4 | 321.3 | 10 | 3,217.4 | 321.7 | C. & I. L., I. C. C. 4264. |
| C., M., St. P. & P. R. R. | 9 | 2,469.6 | 274.4 | 8 | 2,189.1 | 273.6 | C., M., St. P. & P., I. C. C. B-5133. |
| C., C., C. & St. L. Ry. | 5 | 1,445.5 | 289.1 | 5 | 1,445.5 | 289.1 | C., C., C. & St. L., I. C. C. 8513. |
| I. C. R. R. | 5 | 1,546.5 | 309.3 | 3 | 930.4 | 310.1 | I. C., I. C. C. E-1710. |
| Penna. R. R. | 2 | 775.4 | 387.7 | 2 | 775.4 | 387.7 | Penna., I. C. C. 929. |
| | 51 | 15,022.0 | 294.5 | 45 | 13,166.4 | 292.6 | |

[1] Short tariff route.

278 *Statement showing distances from Princeton, Indiana, to Rockford, Illinois*

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| A. W. & W. Ry.: | | | |
| 1. Cato | Oakland City Jct., Sou. Ry., Browns, I. C. R. R. | 387.3 | 387.3 |
| 2. Enosville | | 382.2 | 382.2 |
| 3. Globe | | 383.1 | 383.1 |
| Total | | 1,152.6 | 1,152.6 |
| Average | | 384.2 | 384.2 |
| B. & O. R. R.: 1. Wheatland | Bando, C. & N. W. Ry | 405.1 | 405.1 |
| C. & E. I. Ry.: | | | |
| 1. Fort Branch | Momence, C. M. St. P. & P. R. R. | 337.4 | 337.4 |
| 2. King | | 333.5 | 333.5 |
| 3. Princeton | | 329.8 | 329.8 |
| Total | | 1,000.7 | 1,000.7 |
| Average | | 333.6 | 333.6 |
| C. C. C. & St. L. Ry.: | | | |
| 1. Buckskin | Danville, N. Y. C., Momence, C. M. St. P. & P. R. R. | 379.3 | 379.3 |
| 2. Coal Spur | | 378.0 | 378.0 |
| 3. Coe | | 377.4 | 377.4 |
| 4. Elberfeld | | 384.3 | 384.3 |
| 5. Little | | 365.7 | 365.7 |
| 6. Maysville | | 344.2 | 344.2 |
| 7. Oakland City | | 370.7 | ---------- |
| 8. Oakland City Jct | | 374.4 | ---------- |
| 9. Petersburg | | 358.3 | 358.3 |
| 10. Rogers | | 353.4 | 353.4 |
| 11. Somerville | | 375.3 | 375.3 |
| 12. Washington | | 344.4 | 344.4 |
| Total | | 4,405.4 | 3,660.3 |
| Average | | 367.1 | 366.0 |
| 279 Sou. Ry.: | | | |
| 1. Ayershire | Princeton, C. & E. I., Chicago, C. M. St. P. & P. R. R. | 370.5 | 370.5 |
| 2. Ayershire mine no. 6 | | 370.7 | 370.7 |
| 3. Ayershire mine no. 7 | | 371.0 | 371.0 |
| 4. Ayershire mine no. 8 | | 372.3 | 372.3 |
| 5. Liberty mine | | 359.9 | 359.9 |
| 6. Francisco | | 358.4 | 358.4 |
| 7. Huntingburg | | 388.1 | 388.1 |
| 8. Jasper | | 394.8 | 394.8 |
| 9. Oakland City | | 364.0 | 364.0 |
| 10. Oakland City Jct | | 365.6 | 365.6 |
| 11. Winslow | | 372.3 | 372.3 |
| Total | | 4,087.6 | 4,087.6 |
| Average | | 371.6 | 371.6 |

RECAPITULATION

| Origin line | All billing points on all lines: No. of points | All billing points on all lines: Total miles | All billing points on all lines: Average miles | Each billing point used but once: No. of points | Each billing point used but once: Total miles | Each billing point used but once: Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| A. W. & W. Ry | 3 | 1,152.6 | 384.2 | 3 | 1,152.6 | 384.2 | Sou., I. C. C., C-2150. |
| B. & O. R. R. | 1 | 405.1 | 405.1 | 1 | 405.1 | 405.1 | B. & O., I. C. C., W. L. 9794. |
| C. & E. I. Ry | 3 | 1,000.7 | 333.6 | 3 | 1,000.7 | 333.6 | C. & E. I., I. C. C. 263. |
| C. C. C. & St. L. Ry | 12 | 4,405.4 | 367.1 | 10 | 3,660.3 | 366.0 | C. C. C. & St. L., I. C. C. 8513. |
| Sou. Ry | 11 | 4,087.6 | 371.6 | 11 | 4,087.6 | 371.6 | Sou., I. C. C., C-2150. |
| | 30 | 11,051.4 | 368.4 | 28 | 10,306.3 | 368.1 | |

[1] Short tariff route.

280 *Statement showing distances from Boonville, Indiana, to Rockford, Illinois*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| Sou. Ry.: | | | |
| 1. Boonville | Princeton, C. & E. I., Chicago Heights, E. J. & E., West Chicago, C. & N. W. Ry. | 417.4 | 417.4 |
| 2. Bryan mine | | 423.6 | 423.6 |
| 3. Center mine | | 420.5 | 420.5 |
| 4. Chandler | | 422.6 | 422.6 |
| 5. Erie Canal mine | | 423.2 | 423.2 |
| 6. Evanston | | 411.7 | 411.7 |
| 7. Korff's mine | | 420.4 | 420.4 |
| 8. Lincoln City | | 400.8 | 400.8 |
| 9. Oak Knob mine | | 402.3 | 402.3 |
| 10. Pigeon Creek mine | | 418.5 | 418.5 |
| 11. Sunlight mine no. 4 | | 414.1 | 414.1 |
| 12. Sunlight mine no. 8 | | 417.7 | 417.7 |
| Total | | 4,992.8 | 4,992.8 |
| Average | | 416.1 | 416.1 |

281 *Exhibit 28*

*Statement showing distances from southern Illinois to Freeport, Illinois*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| C. & E. I. Ry.: | | | |
| 1. Benton | Sullivan, I. C. R. R. | 331.4 | |
| 2. Johnston City | | 344.1 | |
| 3. Marion | | 350.0 | |
| 4. Orient | | 342.2 | |
| 5. Spillerton | | 347.5 | 347.5 |
| 6. West Frankfort | | 338.4 | |
| Total | | 2,053.6 | 347.5 |
| Average | | 342.3 | 347.5 |
| C., B. & Q. R. R.: | | | |
| 1. Christopher | Mendota, C., M., St. P. & P. R. R. | 424.0 | |
| 2. Christopher mine no. 16 | | 417.5 | 417.5 |
| 3. Christopher mine no. 19 | | 422.0 | 422.0 |
| 4. Christopher mine no. 20 | | 436.9 | |
| 5. Energy mine no. 5 | | 432.9 | |
| 6. Freeman | | 432.9 | 432.9 |
| 7. Freeman mine | | 434.9 | |
| 8. Herrin | | 436.8 | |
| 9. Jeffries | | 438.8 | |
| 10. Mine no. 22 | | 415.0 | 415.0 |
| 11. Orient | | 434.8 | |
| 12. Royalton | | 433.9 | |
| 13. Sesser | | 425.7 | 425.7 |
| 14. West Frankfort | | 434.7 | |
| 15. West Frankfort mine | | 438.7 | 438.7 |
| 16. West Frankfort mine no. 24 | | 442.0 | 442.0 |
| 17. Zeigler | | 429.9 | |
| Total | | 7,331.4 | 2,993.8 |
| Average | | 431.3 | 427.7 |

*Statement showing distances from southern Illinois to Freeport, Illinois*—Continued

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| 282 C., C., C. & St. L. Ry.: | | | |
| 1. Carrier Mills | Bloomington, I. C. R. R. | 417.5 | 417.5 |
| 2. Eldorado | | 403.0 | |
| 3. Harco | | 420.9 | 420.9 |
| 4. Harrisburg | | 410.5 | 410.5 |
| 5. Ledford | | 414.2 | 414.2 |
| 6. Norris City | | 389.9 | 389.9 |
| 7. Wasson Jct | | 418.7 | 418.7 |
| Total | | 2,874.7 | 2,471.7 |
| Average | | 410.9 | 412.0 |
| I. C. R. R.: | | | |
| 1. Benton | Direct | 330.3 | 330.3 |
| 2. Birkner's Spur | | 334.7 | 334.7 |
| 3. Buckner | | 324.8 | 324.8 |
| 4. Cambria | | 338.7 | 338.7 |
| 5. Carterville | | 341.2 | 341.2 |
| 6. Christopher | | 322.7 | 322.7 |
| 7. Christopher mine no. 20 | | 331.4 | 331.4 |
| 8. Clifford | | 340.3 | 340.3 |
| 9. Eldorado | | 361.7 | 36.17 |
| 10. Energy no. 5 | | 344.0 | 344.0 |
| 11. Freeman mine | | 333.8 | 333.8 |
| 12. Freeman mine no. 1 | | 334.3 | 334.3 |
| 13. Freeman mine no. 2 | | 335.5 | 335.5 |
| 14. Galatia | | 351.4 | 351.4 |
| 15. Herrin | | 335.3 | 335.3 |
| 16. Jeffries | | 338.1 | 338.1 |
| 17. Johnston City | | 341.6 | 341.6 |
| 18. Marion | | 349.9 | 349.9 |
| 19. New Monarch mine | | 336.2 | 336.2 |
| 20. Oraville | | 336.2 | 336.2 |
| 21. Orient | | 341.5 | 341.5 |
| 22. Royalton | | 331.8 | 331.8 |
| 23. Vergennes | | 333.7 | 333.7 |
| 24. West Frankfort | | 339.2 | 339.2 |
| 283 25. West Frankfort mine no. 18. | | 337.1 | 337.1 |
| 26. Zeigler | | 327.4 | 327.4 |
| Total | | 8,782.8 | 8,782.8 |
| Average | | 337.8 | 337.8 |
| M. P. R. R.: | | | |
| 1. Benton | East St. Louis, Wab., Staunton, C., & N. W. | 471.3 | |
| 2. Bush-Hurst | | 454.9 | 454.9 |
| 3. Clifford | | 458.7 | |
| 4. Herrin | | 461.7 | |
| 5. Johnston City | | 469.0 | |
| 6. Royalton | | 458.0 | |
| 7. Sincerity mine | | 467.5 | 467.5 |
| 8. Zeigler | | 463.4 | |
| Total | | 3,704.5 | 922.4 |
| Average | | 463.1 | 461.2 |
| M. P. R. R. (Old M. & E. R. R.): | | | |
| 1. Black Briar no. 2 | Marion, I. C. R. R. | 354.3 | 354.3 |
| 2. Franco no. 2 | | 355.1 | 355.1 |
| 3. Franco no. 3 | | 357.7 | 357.7 |
| 4. Keystone mine | | 355.9 | 355.9 |
| 5. Orchard | | 355.8 | 355.8 |
| 6. Pittsburg | | 355.8 | 355.8 |
| Total | | 2,134.6 | 2,134.6 |
| Average | | 355.8 | 355.8 |

*Statement showing distances from southern Illinois to Freeport, Illinois*—Continued

RECAPITULATION

| Origin line | All billing points on all lines | | | Each billing point used but once | | | Tariff authority |
|---|---|---|---|---|---|---|---|
| | No. of points | Total miles | Average miles | No. of points | Total miles | Average miles | |
| C. & E. I. Ry. | 6 | 2,053.6 | 342.3 | 1 | 347.5 | 347.5 | C. & E. I., I. C. C. 263. |
| C., B. & Q. R. R. | 17 | 7,331.4 | 431.3 | 7 | 2,993.8 | 427.7 | C., B. & Q., I. C. C. 17994. |
| C., C., C. & St. L. Ry. | 7 | 2,874.7 | 410.9 | 6 | 2,471.7 | 412.0 | C., C., C. & St. L., I. C. C. 8513. |
| I. C. R. R. | 26 | 8,782.8 | [1] 337.8 | 26 | 8,782.8 | [1] 337.8 | I. C., I. C. C. E-1710. |
| M. P. R. R. | 8 | 3,704.5 | 463.1 | 2 | 922.4 | 461.2 | M. P., I. C. C. A-7899. |
| M. P. R. R. (Old M. & E.). | 6 | 2,134.6 | 355.8 | 6 | 2,134.6 | 355.8 | I. C., I. C. C. E-1710. |
| | 70 | 26,881.6 | 384.0 | 48 | 17,652.8 | 367.8 | |

[1] Short tariff route.

284 *Statement showing distances from Brazil-Clinton, Indiana, to Freeport, Ill.*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| F. & O. R. R.: | | | |
| 1. Brazil | Decatur, I. C. R. R. | 295.3 | 295.3 |
| 2. Coal Bluff | | 287.4 | 287.4 |
| 3. Coxville | | 280.9 | 280.9 |
| 4. Mecca | | 274.9 | 274.9 |
| 5. Rosedale | | 283.0 | 283.0 |
| Total | | 1,421.5 | 1,421.5 |
| Average | | 284.3 | 284.3 |
| C. & E. I. Ry.: | | | |
| 1. Brazil | Momence, C., M., St. P. & P. R. R. | 297.2 | ---------- |
| 2. Clinton | | 276.0 | 276.0 |
| 3. Ehrmandale | | 290.4 | 290.4 |
| 4. Newport | | 260.0 | 260.0 |
| 5. Terre Haute | | 290.6 | ---------- |
| Total | | 1,414.2 | 826.4 |
| Average | | 282.8 | 275.5 |
| C., M., St. P. & P. R. R.: | | | |
| 1. Blanford | De Kalb, C. & N. W. Ry. | 262.5 | 262.5 |
| 2. Bradshaw | | 266.6 | 266.6 |
| 3. St. Bernice | | 259.1 | 259.1 |
| 4. Terre Haute | | 288.6 | 288.6 |
| 5. West Clinton | | 260.4 | 260.4 |
| Total | | 1,337.2 | 1,337.2 |
| Average | | 267.4 | 267.4 |
| C., C., C. & St. L. Ry.: | | | |
| 1. Carbon | Danville, N. Y. C., Gibson, I. H. B.; Proviso, C. & N. W. Ry. | 320.4 | 320.4 |
| 2. Fontanet | | 312.9 | 312.9 |
| 3. Griff | | 301.0 | 301.0 |
| 4. St. Marys of the Woods | | 297.6 | 297.6 |
| 5. Terre Haute | | 301.6 | ---------- |
| Total | | 1,533.5 | 1,231.9 |
| Average | | 306.7 | 308.0 |
| 285 Penna. R. R.: | | | |
| 1. Asherville | Chicago, I. C. R. R. | 369.4 | 369.4 |
| 2. Brazil | | 361.4 | ---------- |
| 3. Center Point | | 373.4 | 373.4 |
| 4. Harmony | | 353.4 | 365.4 |
| 5. Rockville | | 324.4 | 324.4 |
| 6. Seeleyville | | 354.4 | 354.4 |
| 7. Staunton | | 358.4 | 358.4 |
| 8. Stearleys | | 371.4 | 371.4 |
| 9. Terre Haute | | 346.4 | ---------- |
| 10. West Terre Haute | | 349.4 | 349.4 |
| Total | | 3,574.0 | 2,866.2 |
| Average | | 357.4 | 358.3 |

*Statement showing differences from southern Illinois to Freeport, Illinois*—Con.

RECAPITULATION

| Origin line | All billing points on all lines | | | Each billing point used but once | | | Tariff authority |
|---|---|---|---|---|---|---|---|
| | No. of points | Total miles | Average miles | No. of points | Total miles | Average miles | |
| B. & O. R. R. | 5 | 1,421.5 | 284.3 | 5 | 1,421.5 | 284.3 | B. & O., I. C. C., W. L., 9794. |
| C. & E. I. Ry. | 5 | 1,414.2 | 282.8 | 3 | 826.4 | 275.5 | C. & E. I., I. C. C., 263. |
| C., M., St. P. & P. R. R. | 5 | 1,337.2 | [1] 267.4 | 5 | 1,337.2 | [1] 267.4 | C., M., St. P. & P., I. C. C., B-5133. |
| C., C., C. & St. L. Ry. | 5 | 1,533.5 | 306.7 | 4 | 1,231.9 | 308.0 | C., C., C. & St. L., I. C. C., 8513. |
| Penna. R. R. | 10 | 3,574.0 | 357.4 | 8 | 2,866.2 | 358.3 | Penna., I. C. C., 929. |
| | 30 | 9,280.4 | 309.3 | 25 | 7,683.2 | 307.3 | |

[1] Short tariff route.

286 *Statement showing distances from Linton-Sullivan, Indiana, to Freeport, Illinois*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| C. & E. I. Ry.: | | | |
| 1. Carlisle | Momence, C., M., St. P. & P. R. R. | 326.4 | 326.4 |
| 2. Del Carbo | | 313.2 | 313.2 |
| 3. Farmersburg | | 306.0 | 306.0 |
| 4. Hamilton | | 317.6 | 317.6 |
| 5. Hocking | | 308.7 | 308.7 |
| 6. Hymera | | 317.3 | 317.3 |
| 7. Jackson Hill | | 316.4 | 316.4 |
| 8. Kolsem | | 313.1 | 313.1 |
| 9. Mildred | | 313.9 | 313.9 |
| 10. Paxton | | 322.4 | 322.4 |
| 11. Peerless | | 315.5 | 315.5 |
| 12. Pimento | | 302.1 | 302.1 |
| 13. Reliable | | 313.3 | 313.3 |
| 14. Seifert | | 305.3 | 305.3 |
| 15. Shelburn | | 311.5 | 311.5 |
| 16. Standard | | 309.9 | 309.9 |
| 17. Sullivan | | 316.8 | ---------- |
| Total | | 5,329.4 | 5,012.6 |
| Average | | 313.5 | 313.3 |
| C. & I. L. Ry.: | | | |
| 1. Andromeda | Hammond, I. H. B.; Bensenville Yard, C., M., St. P. & P. R. R. | 378.3 | 378.3 |
| 2. Cass | | 371.8 | ---------- |
| 3. Clay City | | 351.4 | ---------- |
| 4. Gilmore | | 369.0 | 369.0 |
| 5. Howesville | | 359.5 | 359.5 |
| 6. Little Giant | | 374.7 | 374.7 |
| 7. Midland | | 365.7 | 365.7 |
| 8. Owensburg | | 395.8 | 395.8 |
| 9. Patricksburg | | 342.8 | 342.8 |
| 10. Rainbow | | 375.1 | 375.1 |
| 11. Rowlands | | 361.6 | 361.6 |
| 12. Stewards | | 344.9 | 344.9 |
| 13. Victoria | | 370.8 | ---------- |
| Total | | 4,761.4 | 3,667.4 |
| Average | | 366.3 | 366.7 |

*Statement showing distances from Linton-Sullivan, Indiana, to Freeport, Illinois*—Continued

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| C., M., St. P. & P. R. R.: | | | |
| 1. Blackhawk | De Kalb, C. & N. W. Ry | 294.4 | 294.4 |
| 2. Coalmont | | 303.4 | 303.4 |
| 3. Hymera | | 303.2 | 303.2 |
| 4. Illene | | 322.8 | 322.8 |
| 5. Keller | | 290.7 | 290.7 |
| 6. Latta | | 307.2 | 307.2 |
| 7. Linton | | 315.5 | 315.5 |
| 8. Sullivan | | 312.9 | ---- |
| 9. Vicksburg | | 311.1 | 311.1 |
| Total | | 2,761.2 | 2,448.3 |
| Average | | 306.8 | 306.0 |
| C., C., C. & St. L. Ry.: | | | |
| 1. Clay City | Danville, N. Y. C.; Gibson, I. H. B.; Proviso, C. & N. W. Ry. | 328.0 | 328.0 |
| 2. Daggett | | 334.2 | 334.2 |
| 3. Hubbell | | 336.9 | 336.9 |
| 4. Riley | | 312.0 | 312.0 |
| 5. Saline City | | 321.9 | 321.9 |
| Total | | 1,633.0 | 1,633.0 |
| Average | | 326.6 | 326.6 |
| I. C. R. R.: | | | |
| 1. Cass | Direct | 316.9 | 316.9 |
| 2. Dugger | | 318.9 | 318.9 |
| 3. Linton | | 324.6 | ---- |
| 4. Sullivan | | 209.6 | 209.6 |
| 5. Victoria | | 322.4 | 322.4 |
| Total | | 1,492.4 | 1,167.8 |
| Average | | 298.5 | 292.0 |
| 288 Penna. R. R.: | | | |
| 1. Bicknell | Chicago, I. C. R. R. | 419.4 | 419.4 |
| 2. Westphalia | | 411.4 | 411.4 |
| Total | | 830.8 | 830.8 |
| Average | | 415.4 | 415.4 |

RECAPITULATION

| Origin line | All billing points on all lines: No. of points | Total miles | Average miles | Each billing point used but once: No. of points | Total miles | Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| C. & E. I. Ry. | 17 | 5,329.4 | 313.5 | 16 | 5,012.6 | 313.3 | C. & E. I., I. C. C. 293. |
| C. & I. L. Ry. | 13 | 4,761.4 | 366.3 | 10 | 3,667.4 | 367.7 | C. & I. L., I. C. C. 4264. |
| C., M., St. P. & P. R. R. | 9 | 2,761.2 | 306.8 | 8 | 2,448.3 | 306.0 | C., M., St. P. & P., I. C. C. B-5133. |
| C., C., C. & St. L. Ry. | 5 | 1,633.0 | 326.6 | 5 | 1,633.0 | 326.6 | C., C., C. & St. L., I. C. C. 8513. |
| I. C. R. R. | 5 | 1,492.4 | [1] 298.5 | 4 | 1,167.8 | [1] 292.0 | I. C., I. C. C. E-1710. |
| Penna. R. R. | 2 | 830.8 | 415.4 | 2 | 830.8 | 415.4 | Penna., I. C. C. 929. |
| | 51 | 16,808.2 | 329.6 | 45 | 14,759.9 | 328.0 | |

[1] Short tariff route.

289 *Statement showing distances from Princeton, Indiana, to Freeport, Illinois*

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| A. W. & W. Ry.: | | | |
| 1. Cato | Oakland City, Jct., Sou. Ry., Browns, I. C. R. R. | 361.5 | 361.5 |
| 2. Enosville | | 356.4 | 356.4 |
| 3. Globe | | 357.3 | 357.3 |
| Total | | 1,075.2 | 1,075.2 |
| Average | | 358.4 | 358.4 |
| B. & O. R. R.: 1. Wheatland | Bando, C. & N. W. Ry | 433.1 | 433.1 |
| C. & E. I. Ry.: | | | |
| 1. Fort Branch | Momence, C., M., St. P. & P. R. R. | 379.8 | 379.8 |
| 2. King | | 375.9 | 375.9 |
| 3. Princeton | | 372.2 | 372.2 |
| Total | | 1,127.9 | 1,127.9 |
| Average | | 376.0 | 376.0 |
| C. C. C. & St. L. Ry.: | | | |
| 1. Buckskin | Danville, N. Y. C., Gibson, I. H. B., Proviso, C. & N. W. Ry. | 416.8 | 416.8 |
| 2. Coal Spur | | 415.5 | 415.5 |
| 3. Coe | | 414.9 | 414.9 |
| 4. Elberfeld | | 421.8 | 421.8 |
| 5. Little | | 403.2 | 403.2 |
| 6. Maysville | | 381.7 | 381.7 |
| 7. Oakland City | | 408.2 | |
| 8. Oakland City Jct | | 412.0 | |
| 9. Petersburg | | 396.3 | 396.3 |
| 10. Rogers | | 390.9 | 390.9 |
| 11. Somerville | | 412.8 | 412.8 |
| 12. Washington | | 381.9 | 381.9 |
| Total | | 4,856.0 | 4,035.8 |
| Average | | 404.7 | 403.6 |
| 290 Sou. Ry: | | | |
| 1. Ayershire | Browns, I. C. R. R. | 354.9 | 354.9 |
| 2. Ayershire mine no. 6 | | 355.1 | 355.1 |
| 3. Ayershire mine no. 7 | | 355.4 | 355.4 |
| 4. Ayershire mine no. 8 | | 356.7 | 356.7 |
| 5. Liberty mine | | 344.3 | 344.3 |
| 6. Francisco | | 342.8 | 342.8 |
| 7. Huntingburg | | 372.5 | 372.5 |
| 8. Jasper | | 379.2 | 379.2 |
| 9. Oakland City | | 348.4 | 348.4 |
| 10. Oakland City Jct | | 350.0 | 350.0 |
| 11. Winslow | | 356.7 | 356.7 |
| Total | | 3,916.0 | 3,916.0 |
| Average | | 356.0 | 356.0 |

RECAPITULATION

| Origin line | All billing points on all lines: No. of points | Total miles | Average miles | Each billing point used but once: No. of points | Total miles | Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| A. W. & W. Ry | 3 | 1,075.2 | 358.4 | 3 | 1,075.2 | 358.4 | Sou., I. C. C., C-2150. |
| B. & O. R. R | 1 | 433.1 | 433.1 | 1 | 433.8 | 433.1 | B. & O., I. C. C., W. L. 9794. |
| C. & E. I. Ry | 3 | 1,127.9 | 376.0 | 3 | 1,127.9 | 376.0 | C. & E. I., I. C. C. 263. |
| C. C. C. & St. L. Ry | 12 | 4,856.0 | 404.7 | 10 | 4,035.8 | 403.6 | C. C. C. & St. L., I. C. C. 8513. |
| Sou. Ry | 11 | 3,916.0 | [1] 356.0 | 12 | 3,938.7 | [1] 356.0 | Sou., I. C. C., C-2150. |
| | 30 | 11,408.2 | 380.3 | 28 | 10,588.0 | 378.1 | |

[1] Short tariff route.

291 *Statement showing distances from Boonville, Indiana, to Freeport, Illinois*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| Sou. Ry.: | | | |
| 1. Boonville | Browns, I. C. R. R. | 403.0 | 403.0 |
| 2. Bryan mine | | 409.2 | 409.2 |
| 3. Center mine | | 406.1 | 406.1 |
| 4. Chandler | | 408.2 | 408.2 |
| 5. Erie Canal mine | | 408.8 | 408.8 |
| 6. Evanston | | 397.3 | 397.3 |
| 7. Korff's mine | | 406.0 | 406.0 |
| 8. Lincoln City | | 386.4 | 386.4 |
| 9. Oak Knob mine | | 387.9 | 387.9 |
| 10. Pigeon Creek mine | | 404.1 | 404.1 |
| 11. Sunlight mine no. 4 | | 399.7 | 399.7 |
| 12. Sunlight mine no. 8 | | 403.3 | 403.3 |
| Total | | 4,820.0 | 4,820.0 |
| Average | | 401.7 | 401.7 |

292 *Exhibit 29*

*Statement showing distances from southern Illinois to De Kalb, Illinois*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| C. & E. I. Ry.: | | | |
| 1. Benton | Momence, C. M. St. P. & P. R. R. | 331.9 | |
| 2. Johnston City | | 344.6 | |
| 3. Marion | | 350.5 | |
| 4. Orient | | 342.7 | |
| 5. Spillerton | | 347.9 | 347.9 |
| 6. West Frankfort | | 338.9 | |
| Total | | 2,056.5 | 347.9 |
| Average | | 342.8 | 347.9 |
| C. B. & Q. R. R.: | | | |
| 1. Christopher | Virden, C. & N. W. Ry. | 329.6 | |
| 2. Christopher mine no. 16 | | 323.1 | 323.1 |
| 3. Christopher mine no. 19 | | 327.6 | 327.6 |
| 4. Christopher mine/o. 20 | | 342.5 | |
| 5. Energy mine no. 5 | | 338.5 | |
| 6. Freeman | | 338.5 | 338.5 |
| 7. Freeman mine | | 340.5 | |
| 8. Harrin | | 342.4 | |
| 9. Jeffries | | 344.4 | |
| 10. Mine no. 22 | | 320.6 | 320.6 |
| 11. Orient | | 340.5 | |
| 12. Royalton | | 339.5 | |
| 13. Sesser | | 321.3 | 321.3 |
| 14. West Frankfort | | 340.3 | |
| 15. West Frankfort mine | | 344.3 | 344.3 |
| 16. West Frankfort mine no. 24 | | 347.6 | 347.6 |
| 17. Zeigler | | 335.5 | |
| Total | | 5,716.7 | 2,323.0 |
| Average | | 336.3 | 331.9 |

*Statement showing distances from southern Illinois to De Kalb, Illinois*—Continued

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| 293 C. C. C. & St. L. Ry.: | | | |
| 1. Carrier Mills | Danville, N. Y. C., Momence, C. M. St. P. & P. R. R. | 369.2 | 369.2 |
| 2. Eldorado | | 354.7 | |
| 3. Harco | | 372.6 | 372.6 |
| 4. Harrisburg | | 362.2 | 362.2 |
| 5. Ledford | | 365.9 | 365.9 |
| 6. Norris City | | 341.6 | 341.6 |
| 7. Wasson Jct | | 370.4 | 370.4 |
| Total | | 2,536.6 | 2,181.9 |
| Average | | 362.4 | 363.7 |
| I. C. R. R.: | | | |
| 1. Benton | LaSalle, L. S. B. C., LaSalle Jct., C. & N. W. Ry. | 303.6 | 303.6 |
| 2. Birkner's Spur | | 308.0 | 308.0 |
| 3. Buckner | | 298.1 | 298.1 |
| 4. Cambria | | 312.0 | 312.0 |
| 5. Carterville | | 314.5 | 314.5 |
| 6. Christopher | | 296.0 | 296.0 |
| 7. Christopher mine no. 20 | | 304.7 | 304.7 |
| 8. Clifford | | 303.6 | 303.6 |
| 9. Eldorado | | 335.0 | 335.0 |
| 10. Energy no. 5 | | 317.3 | 317.3 |
| 11. Freeman mine | | 307.1 | 307.1 |
| 12. Freeman mine no. 1 | | 307.6 | 307.6 |
| 13. Freeman mine no. 2 | | 308.8 | 308.8 |
| 14. Galatia | | 324.7 | 324.7 |
| 15. Herrin | | 308.6 | 308.6 |
| 16. Jeffries | | 311.4 | 311.4 |
| 17. Johnston City | | 314.9 | 314.9 |
| 18. Marion | | 323.2 | 323.2 |
| 19. New Monarch mine | | 309.5 | 309.5 |
| 20. Oraville | | 309.5 | 309.5 |
| 21. Orient | | 314.8 | 314.8 |
| 22. Royalton | | 305.1 | 305.1 |
| 23. Vergennes | | 307.0 | 307.0 |
| 24. West Frankfort | | 312.4 | 312.4 |
| 25. West Frankfort no. 18 | | 310.4 | 310.4 |
| 294 26. Zeigler | | 300.7 | 300.7 |
| Total | | 8,079.5 | 8,079.5 |
| Average | | 310.8 | 310.8 |
| M. P. R. R.: | | | |
| 1. Benton | East St. Louis, Wab., Staunton, C. & N. W. | 402.1 | |
| 2. Bush-Hurst | | 385.7 | 385.7 |
| 3. Clifford | | 389.5 | |
| 4. Herrin | | 392.5 | |
| 5. Johnston City | | 389.8 | |
| 6. Royalton | | 388.8 | |
| 7. Sincerity mine | | 398.3 | 398.3 |
| 8. Zeigler | | 394.2 | |
| Total | | 3,150.9 | 784.0 |
| Average | | 393.9 | 392.0 |
| M. P. R. R. (old M. & E. R. R.): | | | |
| 1. Black Briar no. 2 | Marion, I. C.; LaSalle, L. S. B. C.; La Salle Jct., C. & N. W. Ry. | 327.5 | 327.5 |
| 2. Franco no. 2 | | 328.3 | 328.3 |
| 3. Franco no. 3 | | 330.9 | 330.9 |
| 4. Keystone mine | | 329.1 | 329.1 |
| 5. Orchard | | 329.0 | 329.0 |
| 6. Pittsburg | | 329.0 | 329.0 |
| Total | | 1,973.8 | 1,973.8 |
| Average | | 329.0 | 329.0 |

*Statement showing distances from southern Illinois to DeKalb, Illinois*—Continued

RECAPTULATION

| Origin line | All billing points on all lines | | | Each billing point used but once | | | Tariff authority |
|---|---|---|---|---|---|---|---|
| | No. of points | Total miles | Average miles | No. of points | Total miles | Average miles | |
| C. & E. I. Ry | 6 | 2,056.5 | 342.8 | 1 | 347.9 | 347.9 | C. & E. I., I. C. C. 263. |
| C. B. & Q. R. R | 17 | 5,716.7 | 336.3 | 7 | 2,323.0 | 331.9 | C. B. & Q., I. C. C. 17994. |
| C. C. C. & St. L. Ry | 7 | 2,536.6 | 362.4 | 6 | 2,181.9 | 363.7 | C. C. C. & St. L., I. C. C. 8513. |
| I. C. R. R | 26 | 8,079.5 | [1] 310.8 | 26 | 8,079.5 | [1] 310.8 | I. C., I. C. C. E-1710. |
| M. P. R. R | 8 | 3,150.9 | 393.9 | 2 | 784.0 | 392.0 | M. P., I. C. C. A-7899. |
| M. P. R. R. (old M. & E.) | 6 | 1,973.8 | 329.0 | 6 | 1,973.8 | 329.0 | I. C., I. C. C. E-1710. |
| | 70 | 23,514.0 | 335.9 | 48 | 15,690.1 | 326.9 | |

[1] Short tariff route.

295 *Statement showing distances from Brazil-Clinton, Indiana to De Kalb, Illinois*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| B. & O. R. R.: | | | |
| 1. Brazil | West Dana, C. M. St. P. & P. R. R. | 219.5 | |
| 2. Coal Bluff | | 211.6 | 211.6 |
| 3. Coxville | | 205.1 | 205.1 |
| 4. Mecca | | 199.1 | 199.1 |
| 5. Rosedale | | 207.2 | 207.2 |
| Total | | 1,042.5 | 823.0 |
| Average | | 208.5 | 205.8 |
| C. & E. I. Ry.: | | | |
| 1. Brazil | Momence, C. M. St. P. & P. R. R. | 218.0 | 218.0 |
| 2. Clinton | | 196.8 | 196.8 |
| 3. Ehrmandale | | 211.2 | 211.2 |
| 4. Newport | | 180.8 | 180.8 |
| 5. Terre Haute | | 211.4 | 211.4 |
| Total | | 1,018.2 | 1,018.2 |
| Average | | 203.6 | 203.6 |
| C. M. St. P. & P. R. R.: | | | |
| 1. Blanford | Direct | 193.3 | 193.3 |
| 2. Bradshaw | | 197.4 | 197.4 |
| 3. St. Bernice | | 189.9 | 189.9 |
| 4. Terre Haute | | 219.4 | |
| 5. West Clinton | | 191.2 | 191.2 |
| Total | | 991.2 | 771.8 |
| Average | | 198.2 | 193.0 |
| C. C. C. & St. L. Ry.: | | | |
| 1. Carbon | Danville, N. Y. C.; Momence, C. M. St. P. & P. R. R. | 246.1 | 246.1 |
| 2. Fontanet | | 238.6 | 238.6 |
| 3. Griff | | 226.7 | 226.7 |
| 4. St. Marys of the Woods | | 223.3 | 223.3 |
| 5. Terre Haute | | 227.3 | |
| Total | | 1,162.0 | 934.7 |
| Average | | 232.4 | 234.7 |

*Statement showing distances from Brazil-Clinton, Indiana to De Kalb, Illinois*—Continued

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| 296 Penna. R. R.: | | | |
| 1. Asherville | Chicago, C. & N. W. Ry | 313.5 | 313.5 |
| 2. Brazil | | 305.5 | |
| 3. Center Point | | 317.5 | 317.5 |
| 4. Harmony | | 309.5 | 309.5 |
| 5. Rockville | | 268.5 | 268.5 |
| 6. Seeleyville | | 298.5 | 298.5 |
| 7. Staunton | | 302.5 | 302.5 |
| 8. Stearleys | | 315.5 | 315.5 |
| 9. Terre Haute | | 290.5 | |
| 10. West Terre Haute | | 293.5 | 293.5 |
| Total | | 3,015.0 | 2,419.0 |
| Average | | 301.5 | 302.4 |

RECAPITULATION

| Origin line | All billing points on all lines: No. of points | All billing points on all lines: Total miles | All billing points on all lines: Average miles | Each billing point used but once: No. of points | Each billing point used but once: Total miles | Each billing point used but once: Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| B. & O. R. R. | 5 | 1,042.5 | 208.5 | 4 | 823.0 | 205.8 | B. & O., I. C. C., W. L. 9794. |
| C. & E. I. Ry. | 5 | 1,018.2 | 203.6 | 5 | 1,018.2 | 203.6 | C. & E. I., I. C. C. 263. |
| C. M. St. P. & P. R. R. | 5 | 991.2 | [1] 198.2 | 4 | 771.8 | [1] 193.0 | C. M. St. P. & P., I. C. C. B-5133. |
| C. C. C. & St. L. Ry. | 5 | 1,162.0 | 232.4 | 4 | 934.7 | 234.7 | C. C. C. & St. L., I. C. C. 8513. |
| Penna. R. R. | 10 | 3,015.0 | 301.5 | 8 | 2,419.0 | 302.4 | Penna., I. C. C. 929. |
| | 30 | 7,228.9 | 241.0 | 25 | 5,966.7 | 238.7 | |

[1] Short tariff route.

297 *Statement showing distances from Linton-Sullivan, Indiana to De Kalb, Illinois*

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| C. & E. I. Ry.: | | | |
| 1. Carlisle | Momence, C. M. St. P. & P. R. R. | 247.2 | 247.2 |
| 2. Del Carbo | | 234.0 | 234.0 |
| 3. Farmersburg | | 226.8 | 226.8 |
| 4. Hamilton | | 238.4 | 238.4 |
| 5. Hocking | | 229.5 | 229.5 |
| 6. Hymera | | 238.1 | 238.1 |
| 7. Jackson Hill | | 237.2 | 237.2 |
| 8. Kolsem | | 233.9 | 233.9 |
| 9. Mildred | | 234.7 | 234.7 |
| 10. Paxton | | 243.2 | 243.2 |
| 11. Peerless | | 236.3 | 236.3 |
| 12. Pimento | | 222.9 | 222.9 |
| 13. Reliable | | 234.1 | 234.1 |
| 14. Seifert | | 226.1 | 226.1 |
| 15. Shelburn | | 232.3 | 232.3 |
| 16. Standard | | 230.7 | 230.7 |
| 17. Sullivan | | 237.6 | 237.6 |
| Total | | 3,983.0 | 3,983.0 |
| Average | | 234.3 | 234.3 |

*Statement showing distances from Linton-Sullivan, Indiana, to De Kalb, Illinois*—Continued

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| C. & I. L. Ry.: | | | |
| 1. Andromeda | Hammond, I. H. B., Proviso, C. & N. W. Ry | 304.4 | 304.4 |
| 2. Cass | | 297.9 | |
| 3. Clay City | | 277.5 | |
| 4. Gilmore | | 295.1 | 295.1 |
| 5. Howesville | | 285.6 | 285.6 |
| 6. Little Giant | | 300.8 | 300.8 |
| 7. Midland | | 291.8 | 291.8 |
| 8. Owensburg | | 321.9 | 321.9 |
| 9. Patricksburg | | 268.9 | 268.9 |
| 10. Rainbow | | 301.2 | 301.2 |
| 11. Rowlands | | 287.7 | 287.7 |
| 298 12. Stewards | | 271.0 | 271.0 |
| 13. Victoria | | 296.9 | |
| Total | | 3,800.7 | 2,928.4 |
| Average | | 293.4 | 292.8 |
| C. M. St. P. & P. R. R.: | | | |
| 1. Blackhawk | Direct | 225.2 | 225.2 |
| 2. Coalmont | | 234.2 | 234.2 |
| 3. Hymera | | 234.0 | 234.0 |
| 4. Illene | | 253.6 | 253.6 |
| 5. Keller | | 221.5 | 221.5 |
| 6. Latta | | 238.0 | 238.0 |
| 7. Linton | | 246.3 | 246.3 |
| 8. Sullivan | | 243.7 | |
| 9. Vicksburg | | 241.9 | 241.9 |
| Total | | 2,138.4 | 1,894.7 |
| Average | | 237.6 | 270.7 |
| C. C. C. & St. L. Ry.: | | | |
| 1. Clay City | Danville, N. Y. C., Momence, C. M. St. P. & P. R. R. | 253.7 | 253.7 |
| 2. Daggett | | 259.9 | 259.9 |
| 3. Hubbell | | 262.6 | 262.6 |
| 4. Riley | | 237.7 | 237.7 |
| 5. Saline City | | 247.6 | 247.6 |
| Total | | 1,261.5 | 1,261.5 |
| Average | | 252.3 | 252.3 |
| I. C. R. R.: | | | |
| 1. Cass | LaSalle, L. S. B. C., LaSalle Jct., C. & N. W. Ry | 290.2 | 290.2 |
| 2. Duggen | | 292.2 | 292.2 |
| 3. Linton | | 297.9 | |
| 4. Sullivan | | 283.2 | |
| 5. Victoria | | 295.6 | 295.6 |
| Total | | 1,459.1 | 878.0 |
| Average | | 291.8 | 292.7 |
| 299 Penna. R. R.: | | | |
| 1. Bicknell | Chicago, C. & N. W. Ry | 363.5 | 363.5 |
| 2. Westphalia | | 355.5 | 355.5 |
| Total | | 719.0 | 719.0 |
| Average | | 359.5 | 359.5 |

RECAPITULATION

| Origin line | All billing points on all lines: Number of points | Total miles | Average miles | Each billing point used but once: Number of points | Total miles | Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| C. & E. I. Ry | 17 | 3,983.0 | [1] 234.3 | 17 | 3,983.0 | [1] 234.3 | C. & E. I., I. C. C. 263. |
| C. & I. L. Ry | 13 | 3,800.7 | 293.4 | 10 | 2,928.4 | 292.8 | C. & I. L., I. C. C. 4264. |
| C. M. St. P. & P. R. R. | 9 | 2,138.4 | 237.6 | 8 | 1,894.7 | 270.7 | C. M. St. P. & P., I. C. C. B-5133. |
| C. C. C. & St. L. Ry | 5 | 1,261.5 | 252.3 | 5 | 1,261.5 | 252.3 | C. C. C. & St. L., I. C. C. 8513. |
| I. C. R. R. | 5 | 1,459.1 | 291.8 | 3 | 878.0 | 292.7 | I. C., I. C. C. E-1710. |
| Penna. R. R. | 2 | 719.0 | 359.5 | 2 | 719.0 | 359.5 | Penna. I. C. C. 929. |
| | 51 | 13,372.7 | 262.2 | 45 | 11,664.6 | 259.2 | |

[1] Short tariff route.

300 *Statement showing distances from Princeton, Indiana, to De Kalb, Illinois*

| Origin line and billing points | Route | Miles: All points on all lines | Miles: Each billing point used but once |
|---|---|---|---|
| A. W. & W. Ry.: | | | |
| 1. Cato | Oakland City Jct.-Sou. Ry.; Princeton, C. & E. I.; Chicago Heights, E., J. & E.; Ingalton, C. G. W. R. R. | 347.0 | 347.0 |
| 2. Enosville | | 341.9 | 341.9 |
| 3. Globe | | 342.8 | 342.8 |
| Total | | 1,031.7 | 1,031.7 |
| Average | | 343.9 | 343.9 |
| B. & O. R. R.: 1. Wheatland | Bando, C. & N. W. Ry | 363.9 | [1] 363.9 |
| C. & E. I. Ry.: | | | |
| 1. Fort Branch | Momence, C., M., St. P. & P. R. R. | 300.6 | 300.6 |
| 2. King | | 296.7 | 296.7 |
| 3. Princeton | | 293.0 | 293.0 |
| Total | | 890.3 | 890.3 |
| Average | | 296.8 | 296.8 |
| C., C., C. & St. L. Ry.: | | | |
| 1. Buckskin | Danville, N. Y. C.; Momence, C., M., St. P. & P. R. R. | 342.5 | 342.5 |
| 2. Coal Spur | | 341.2 | 341.2 |
| 3. Coe | | 340.6 | 340.6 |
| 4. Elberfeld | | 347.5 | 347.5 |
| 5. Little | | 328.9 | 328.9 |
| 6. Maysville | | 307.4 | 307.4 |
| 7. Oakland City | | 333.9 | ---- |
| 8. Oakland City Jct | | 337.6 | ---- |
| 9. Petersburg | | 322.0 | 322.0 |
| 10. Rogers | | 316.6 | 316.6 |
| 11. Somerville | | 338.5 | 338.5 |
| 12. Washington | | 307.6 | 307.6 |
| Total | | 3,964.3 | 3,292.8 |
| Average | | 330.4 | 329.3 |
| 301 Sou. Ry.: | | | |
| 1. Ayershire | Princeton, C. & E. I.; Momence, C., M., St. P. & P. R. R. | 312.7 | 312.7 |
| 2. Ayershire mine no. 6 | | 312.9 | 312.9 |
| 3. Ayershire mine no. 7 | | 313.2 | 313.2 |
| 4. Ayershire mine no. 8 | | 314.5 | 314.5 |
| 5. Liberty mine | | 302.1 | 302.1 |
| 6. Francisco | | 300.6 | 300.6 |
| 7. Huntingburg | | 330.3 | 330.3 |
| 8. Jasper | | 337.0 | 337.0 |
| 9. Oakland City | | 306.2 | 306.2 |
| 10. Oakland City Jct | | 307.8 | 307.8 |
| 11. Winslow | | 314.5 | 314.5 |
| Total | | 3,451.8 | 3,451.8 |
| Average | | 313.8 | 313.8 |

[1] Not on going basis.

RECAPITULATION

| Origin line | All billing points on all lines: No. of points | Total miles | Average miles | Each billing point used but once: No. of points | Total miles | Average miles | Tariff authority |
|---|---|---|---|---|---|---|---|
| A. W. & W. Ry | 3 | 1,031.7 | 343.9 | 3 | 1,031.7 | 343.9 | Sou., I. C. C. C-2150. |
| B. & O. R. R. | | | | | | | |
| C. & E. I. Ry | 3 | 890.3 | [1] 296.8 | 3 | 890.3 | 296.8 | C. & E. I., I. C. C. 263. |
| C., C., C. & St. L. Ry | 12 | 3,964.3 | 330.4 | 10 | 3,292.8 | 329.3 | C., C., C. & St. L., I. C. C. 8513. |
| Sou. Ry | 11 | 3,451.8 | 313.8 | 11 | 3,451.8 | 313.8 | Sou. I. C. C. C-2150. |
| | 29 | 9,338.1 | 322.0 | 27 | 8,666.6 | 321.0 | |

[1] Short tariff route.

302 *Statement showing distances from Boonville, Indiana, to De Kalb, Illinois*

| Origin line and billing points | Route | Miles | |
|---|---|---|---|
| | | All points on all lines | Each billing point used but once |
| Sou. Ry: | | | |
| 1. Boonville | Princeton, C. & E. I.; Momence, C., M., St. P. & P. R. R. | 360.8 | 360.8 |
| 2. Bryan mine | | 367.0 | 367.0 |
| 3. Center mine | | 363.9 | 363.9 |
| 4. Chandler | | 366.0 | 366.0 |
| 5. Erie Canal mine | | 366.6 | 366.6 |
| 6. Evanston | | 355.1 | 355.1 |
| 7. Korff's mine | | 363.8 | 363.8 |
| 8. Lincoln City | | 344.2 | 344.2 |
| 9. Oak Knob mine | | 345.7 | 345.7 |
| 10. Pigeon Creek mine | | 361.9 | 361.9 |
| 11. Sunlight mine no. 4 | | 357.5 | 357.5 |
| 12. Sunlight mine no. 8 | | 361.1 | 361.1 |
| Total | | 4,313.6 | 4,313.6 |
| Average | | 359.5 | 359.5 |

303 *Exhibit 30*

*Statement showing the recapitulation of rates and distances to Rockford, Freeport and De Kalb, Illinois*

ROCKFORD, ILLINOIS

| From origin group | Present rate | Proposed rate | Short tariff route | Average of short tariff routes, all billing points on all lines | Average, each billing point used but once | Over or under southern Illinois | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Present rate | Proposed rate | Short tariff route | Average of short tariff routes all billing points on all lines | Average, each billing point used but once |
| Southern Illinois | 200 | | 328 | 365 | 349 | | | | | |
| Brazil-Clinton | 187 | 170 | 235 | 275 | 273 | 13-u | 30-u | 93-u | 90-u | 76-u |
| Linton-Sullivan | 192 | 175 | 271 | 295 | 293 | 8-u | 25-u | 57-u | 70-u | 56-u |
| Princeton | 199 | [1] 182 | 334 | 368 | 368 | 1-u | [1] 18-u | 6-o | 3-o | 19-o |
| Boonville | 202 | [1] 185 | 416 | 416 | 416 | 2-o | [1] 15-o | 88-o | 51-o | 67-o |

FREEPORT, ILLINOIS

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Southern Illinois | 200 | | 338 | 384 | 368 | | | | | |
| Brazil-Clinton | 187 | 170 | 267 | 309 | 307 | 13-u | 30-u | 71-u | 75-u | 61-u |
| Linton-Sullivan | 192 | 175 | 299 | 330 | 328 | 8-u | 25-u | 39-u | 54-u | 40-u |
| Princeton | 199 | [1] 182 | 356 | 380 | 378 | 1-u | [1] 18-u | 18-o | 4-u | 10-o |
| Boonville | 202 | [1] 185 | 402 | 402 | 402 | 2-o | [1] 15-o | 64-o | 18-o | 34-o |

DE KALB, ILLINOIS

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Southern Illinois | 190 | | 311 | 336 | 327 | | | | | |
| Brazil-Clinton | 174 | 170 | 198 | 241 | 239 | 16-u | 20-u | 113-u | 95-u | 88-u |
| Linton-Sullivan | 179 | 175 | 234 | 262 | 259 | 11-u | 25-u | 77-u | 74-u | 68-u |
| Princeton | 186 | [1] 182 | 297 | 322 | 321 | 4-u | [1] 8-u | 14-u | 14-u | 6-u |
| Boonville | 189 | [1] 185 | 360 | 360 | 360 | 1-u | [1] 5-u | 49-o | 24-o | 33-o |

[1] Not actually published. Rates indicated are those that would apply were present differentials over Brazil-Clinton and Linton-Sullivan groups maintained.

Explanation of reference marks: u, under; o, over.

304

## *Exhibit 31*

*Statement showing commercial mines in the southern Illinois district that produced coal in the year of 1931 and the distances from such mines to Rockford, Illinois*

| Name of operator and mine | Post-office location of mine | Production in tons during 1931 | Distances to Rockford via shortest-tariff route | Route | Tariff authority for distances |
|---|---|---|---|---|---|
| Bell & Zoller Mining Co. no. 1 | Zeigler | 936,785 | 318.1 | 1 | A-B |
| Bell & Zoller Mining Co. no. 2 | " | 859,849 | 315.1 | 1 | A-B |
| Blue Bird Coal Co | Harrisburg | 196,468 | 399.0 | 2 | C-D-B |
| Carbon Fuel Co | Marion | 89,229 | 340.6 | 1 | A-B |
| Brewerton Coal Co. no. 21 | West Frankfort | 81,758 | 329.9 | 1 | A-B |
| Brewerton Coal Co. no. 22 | Sesser | 62,445 | 373.3 | 3 | F-B |
| Carbon Fuel Co | Marion | 89,229 | 340.6 | 1 | A-B |
| Carterville Coal Mining Co | Carterville | 3,150 | 332.0 | 1 | A-B |
| Carterville Herrin Coal Co | Herrin | 306,302 | 326.0 | 1 | A-B |
| Chicago, Wilmington & Franklin Coal Co. no. 1 | Orient | 516,956 | 332.3 | 1 | A-B |
| Chicago, Wilmington & Franklin Coal Co. no. 2 | West Frankfort | 1,566,660 | 329.9 | 1 | A-B |
| Chicago, Wilmington & Franklin Coal Co. A mine | Herrin | 91,713 | 326.0 | 1 | A-B |
| City Lake Coal Co | Herrin | 29,626 | 326.0 | 1 | A-B |
| Coal Stripping Co | Marion | 18,050 | 340.6 | 1 | A-B |
| Consolidated Coal Co. no. 7 | Herrin | 306,621 | 326.0 | 1 | A-B |
| Cosgrove-Meehan Coal Co. no. 1 | Marion | 178,455 | 340.6 | 1 | A-B |
| Cosgrove-Meehan Coal Co. no. 3 | Marion | 100,864 | 340.6 | 1 | A-B |
| Firebrand Fuel Co | Norris City | 8,608 | 378.4 | 2 | C-D-B |
| Franklin County Coal Co. no. 5 | Herrin | 498,747 | 326.0 | 1 | A-B |
| Franklin County Coal Co. no. 7 | Royalton | 588,362 | 324.5 | 1 | A-B |
| Freeman Coal Co | Herrin | 75,801 | 326.0 | 1 | A-B |
| Harrisburg Coal Co. no. 9 | Harrisburg | 23,005 | 399.0 | 2 | C-D-B |
| O'Gara Coal Co. no. 1 | Harrisburg | 542,239 | 399.0 | 2 | C-D-B |
| O'Gara Coal Co. no. 3 | Harrisburg | 343,048 | 399.0 | 2 | C-D-B |
| O'Gara Coal Co. no. 10 | Eldorado | 217,079 | 352.5 | 1 | A-B |
| O'Gara Coal Co. no. 12 | Harrisburg | 38,411 | 399.0 | 2 | C-D-B |
| Ogmore Coal Co | Cambria | 1,949 | 329.5 | 1 | A-B |
| Old Ben Coal Corp. no. 8 | West Frankfort | 903,625 | 329.9 | 1 | A-B |
| Old Ben Coal Corp. no. 11 | Christopher | 41,552 | 332.0 | 1 | A-B |
| 305 Old Ben Coal Corp. no. 14 | Buckner | 847,189 | 315.6 | 1 | A-B |
| Old Ben Coal Corp. no. 15 | West Frankfort | 886,789 | 329.9 | 1 | A-B |
| Old Ben Coal Corp. no. 18 | Johnston City | 165,238 | 332.3 | 1 | A-B |
| Peabody Coal Co. no. 18 | West Frankfort | 392,193 | 329.9 | 1 | A-B |
| Peabody Coal Co. no. 19 | West Frankfort | 648,988 | 329.9 | 1 | A-B |
| Peabody Coal Co. no. 25 | Carterville | 205,174 | 332.0 | 1 | A-B |
| Peabody Coal Co. no. 43 | Harrisburg | 371,424 | 399.0 | 2 | C-D-B |
| Peabody Coal Co. no. 47 | Harco | 579,985 | 409.4 | 2 | C-D-B |
| Puritan Coal Co | Marion | 5,792 | 340.6 | 1 | A-B |
| Rex Coal Co | Eldorado | 214,157 | 352.5 | 1 | A-B |
| St. Louis Coal & Iron Co | Johnston City | 176,533 | 332.3 | 1 | A-B |
| Skaggs Coal Co | Harrin | 6,154 | 326.0 | 1 | A-B |
| Spillerton Coal Co | Marion | 1,300 | 340.6 | 1 | A-B |
| Wallace Coal Co | Marion | 105,812 | 340.6 | 1 | A-B |
| Wasson Coal Co. no. 1 | Harrisburg | 387,053 | 399.0 | 2 | C-D-B |
| Wasson Coal Co. no. 2 | Harrisburg | 44,150 | 399.0 | 2 | C-D-B |
| Total and averages | | 13,753,917 | [1] 347.6<br>[2] 345.3 | | |

[1] All (45), 15,643.0.
[2] Once (16), 5,525.4.

306 EXPLANATION OF REFERENCE MARKS

(1) Average from all points.
(2) Average using each billing point but once.

ROUTE

1. I. C. R. R. Mendota, Ill., and C. M. St. P. & P. R. R.
2. C. C. C. & St. L. Ry., Danville, Ill., N. Y. C. R. R., Momence, Ill., and C. M. St. P. & P. R. R.
3. C. B. & Q. R. R., Mendota, Ill., and C. M. St. P. & P. R. R.

TARIFF AUTHORITIES

A—I. C. R. R., I. C. C. no. A-10441.
B—C. M. St. P. & P. R. R., I. C. C. no. B-6113.
C—C. C. C. & St. L. Ry., I. C. C. no. 8515.
D—N. Y. C. R. R., I. C. C. no. LS-1536.
E—C. & N. W. Ry., I. C. C. no. 9986.
F—C. B. & Q. R. R., I. C. C. no. 17392.

307

## *Exhibit 32*

*Statement showing commercial mines in the southern Illinois field producing over 5,000 tons, railroads serving such mines, and production during calendar year of 1932*

| Name of operator | Name or number of mine | Post office of mine | Railroads serving | Output in tons during 1932 |
|---|---|---|---|---|
| Bell & Zoller Coal & Mining Co | 1 | Zeigler, Ill | C., B. & Q.; I. C.; M. P. | 698,870 |
| Do | 2 | do | C., B. & Q.; I. C.; M. P. | 755,977 |
| Brewerton Coal Company | 21 | West Frankfort, Ill | C. & E. I.; C., B. & Q.; I. C. | 73,472 |
| Do | 22 | Sesser, Ill | C., B. & Q | 72,699 |
| Carbon Fuel Company | | Marion, Ill | C., B. & Q | 69,294 |
| Carterville & Herrin Coal Company. | Jeffries | Herrin, Ill | C., B. & Q.; I. C.; M. P. | 6,854 |
| Carterville Peacock Coal Company. | | do | M. P | 5,700 |
| Chicago, Wilmington & Franklin Coal Co. | 1 | Orient, Ill | C. & E. I.; C., B. & Q.; I. C.; M. P. | 538,577 |
| Do | 2 | West Frankfort, Ill | C. & E. I.; C., B. & Q.; I. C.; M. P. | 1,061,576 |
| City Lake Coal Company | | Herrin, Ill | C., B. & Q.; M. P | 15,517 |
| Consolidated Coal Company | 7 | do | C., B. & Q.; I. C.; M. P. | 430,495 |
| Cosgrove-Meehan Coal Company. | 1 | Johnston City, Ill | C., B. & Q | 160,464 |
| Do | 3 | Paulton, Ill | M. P | 14,344 |
| Firebrand Fuel Company | 1 | Norris City, Ill | B. & O.; C., C., C. & St. L. | 5,969 |
| Franklin County Coal Company | 5 | Herrin, Ill | C., B. & Q.; I. C.; M. P. | 389,107 |
| Do | 7 | Royalton, Ill | C., B. & Q.; I. C.; M. P. | 443,825 |
| Freeman Coal Mining Company. | Freeman | Herrin, Ill | C., B. & Q | 126,748 |
| 308 O'Gara Coal Company | 1 | Harrisburg, Ill | C., C., C. & St. L | 356,854 |
| Do | 3 | do | C., C., C. & St. L | 283,331 |
| Do | 10 | do | C., C., C. & St. L., I. C. | 197,095 |
| Old Ben Coal Corporation | 8 | West Frankfort, Ill | C. & E. I.; C., B. & Q.; I. C.; M. P. | 636,821 |
| Do | 14 | Buckner, Ill | C., B. & Q.; I. C.; M. P. | 197,425 |
| Do | 15 | Ezra, Ill | C. & E. I.; C., B. & Q.; I. C. | 611,925 |
| Do | 18 | Johnston City, Ill | C. & E. I.; C., B. & Q.; I. C.; M. P. | 625,216 |
| Peabody Coal Company | 18 | West Frankfort, Ill | C. & E. I | 420,804 |
| Do | 19 | do | C. & E. I | 453,490 |
| Do | 25 | Carterville, Ill | I. C | 200,863 |
| Do | 43 | Harrisburg, Ill | C., C., C. & St. L | 341,258 |
| Do | 47 | do | C., C., C. & St. L | 423,737 |
| Rex Coal Company | 2 | Eldorado, Ill | I. C | 255,766 |
| St. Louis Coal & Iron Company | 2 | Johnston City, Ill | M. P | 38,874 |
| Wallace Coal Company | | Marion, Ill | M. P | 97,620 |
| Wasson Coal Company | 1 | Harrisburg, Ill | C., C., C. & St. L | 242,639 |
| Do | 2 | do | C., C., C. & St. L | 8,827 |
| Total all mines (34 mines) | | | | 10,262,033 |
| Average all mines | | | | 301,824 |

309

TOTALS BY RAILROADS

| | |
|---|---|
| B. & O.: | |
| Local | |
| Joint | 5,969 |
| Local and joint | 5,969 |
| C. & E. I.: | |
| Local | 874,294 |
| Joint | 2,673,293 |
| Local and joint | 3,547,587 |
| C., B. & Q.: | |
| Local | 389,205 |
| Joint | 6,096,452 |
| Local and joint | 6,485,657 |
| C., C., C. & St. L.: | |
| Local | 1,656,646 |
| Joint | 203,064 |
| Local and joint | 1,859,710 |
| I. C. R. R.: | |
| Local | 456,629 |
| Joint | 6,210,606 |
| Local and joint | 6,667,235 |
| M. P. R. R.: | |
| Local | 156,538 |
| Joint | 5,643,722 |
| Local and joint | 5,800,260 |

Authority: Reports of State department of mines and minerals.

## Exhibit 33

*History of rates and differentials on bituminous coal, carloads, in cents per net ton to Freeport, Illinois, from—*

| Date of change | Southern Illinois | | Brazil-Clinton | | | Linton-Sullivan | | | Princeton | | | Boonville | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Rate | T. A. | Rate | T. A. | Differential under So. Ill. | Rate | T. A. | Differential under So. Ill. | Rate | T. A. | Differential under So. Ill. | Rate | T. A. | Differential over or under So. Illinois |
| April 1, 1913 | 122 | 1 | 107 | 3 | 15 | 112 | 3 | 10 | 119 | 3 | 3 | (1) | | |
| December 1, 1916 | 122 | 1 | 112 | 3 | 10 | 117 | 3 | 5 | 124 | 3 | [2] 2 | (1) | | |
| April 16, 1917 | 127 | 4 | 112 | 3 | 15 | 117 | 3 | 5 | 124 | 3 | [2] 2 | (1) | | |
| July 1, 1917 | 127 | 4 | 127 | 3 | | 132 | 3 | [3] 5 | 139 | 3 | [2] 12 | (1) | | |
| October 16, 1917 | 142 | 5 | 127 | 3 | 15 | 132 | 3 | 10 | 139 | 3 | 3 | (1) | | |
| June 25, 1918 | 170 | 6 | 155 | 3 | 15 | 160 | 3 | 10 | 167 | 3 | 3 | (1) | | |
| October 5, 1918 | 172 | 7 | 157 | 3 | 15 | 162 | 3 | 10 | 169 | 3 | 3 | (1) | | |
| May 28, 1919 | 172 | 7 | 157 | 8 | 15 | 162 | 8 | 10 | 169 | 8 | 3 | 182 | 9 | [2] 10 |
| August 26, 1920 | 230½ | 10 | 220 | 10 | 9½ | 227 | 10 | 2½ | 236½ | 10 | [2] 7 | 255 | 11 | [2] 25½ |
| February 19, 1921 | 241 | 12 | 220 | 10 | 21 | 227 | 10 | 14 | 227 | 10 | 14 | 255 | 11 | [3] 14 |
| July 1, 1922 | 217 | 15 | 198 | 13 | 19 | 204 | 13 | 13 | 213 | 13 | 4 | 230 | 14 | [3] 13 |
| July 19, 1925 | 217 | 15 | 187 | 15 | 30 | 192 | 15 | 25 | 199 | 15 | 18 | 202 | 16 | [3] 15 |
| August 20, 1930 | 200 | 17 | 187 | 18 | 13 | 192 | 18 | 8 | 199 | 18 | 1 | 202 | 16 | [2] 2 |
| Present | 200 | 18 | 187 | 18 | 13 | 192 | 18 | 8 | 199 | 18 | 1 | 202 | 21 | [2] 2 |
| Proposed | 200 | | 170 | | 30 | 175 | | 25 | [4] 182 | | 18 | [4] 185 | | [3] 15 |

[1] No rates in effect.
[2] Over.
[3] Under.
[4] Not actually published. Rates indicated are those which would apply were present differentials over Brazil-Clinton and Linton-Sullivan groups maintained.

*History of rates and differentials on bituminous coal, carloads, in cents per net ton to Rockford, Ill., from—*

| Date of change | Southern Illinois | | Brazil-Clinton | | | Linton-Sullivan | | | Princeton | | | Boonville | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Rate | T. A. | Rate | T. A. | Differential under So. Ill. | Rate | T. A. | Differential under So. Ill. | Rate | T. A. | Differential under So. Ill. | Rate | T. A. | Differential over or under So. Illinois |
| April 1, 1913 | 122 | 1 | 102 | 2 | 20 | 107 | 2 | 15 | 114 | 2 | 8 | (1) | | |
| December 1, 1916 | 122 | 1 | 107 | 3 | 15 | 112 | 3 | 10 | 119 | 3 | 3 | (1) | | |
| April 16, 1917 | 127 | 4 | 107 | 3 | 20 | 112 | 3 | 15 | 119 | 3 | 8 | (1) | | |
| July 1, 1917 | 127 | 4 | 122 | 3 | 5 | 127 | 3 | | 134 | 3 | [2] 7 | (1) | | |
| October 16, 1917 | 142 | 5 | 122 | 3 | 20 | 127 | 3 | 15 | 134 | 3 | 8 | (1) | | |
| June 25, 1918 | 170 | 6 | 150 | 3 | 20 | 155 | 3 | 15 | 162 | 3 | 8 | (1) | | |
| October 5, 1918 | 172 | 7 | 152 | 3 | 20 | 157 | 3 | 15 | 164 | 3 | 8 | (1) | | |
| May 28, 1919 | 172 | 7 | 152 | 8 | 20 | 157 | 8 | 15 | 164 | 8 | 8 | 182 | 9 | [2] 10 |
| August 26, 1920 | 229½ | 10 | 213 | 10 | 16½ | 220 | [4] 10 | 9½ | 229½ | 10 | | 255 | 11 | [2] 25½ |
| February 19, 1921 | 241 | 12 | 213 | 10 | 28 | 220 | 10 | 21 | 229½ | 10 | 11½ | 255 | 11 | [2] 14 |
| July 1, 1922 | 217 | 13 | 192 | 13 | 25 | 198 | 13 | 19 | 207 | 13 | 10 | 230 | 14 | [2] 13 |
| July 19, 1925 | 217 | 15 | 187 | 15 | 30 | 192 | 15 | 25 | 199 | 15 | 18 | 202 | 16 | [3] 15 |
| August 20, 1930 | 200 | 17 | 187 | 18 | 13 | 192 | 18 | 8 | 199 | 18 | 1 | 202 | 16 | [2] 2 |
| Present | 200 | | 187 | 18 | 13 | 192 | 18 | 8 | 199 | 18 | 1 | 202 | 21 | [2] 2 |
| Proposed | 200 | | 170 | | 30 | 175 | | 25 | [4] 182 | | 18 | [4] 185 | | [3] 15 |

[1] No rates in effect.
[2] Over.
[3] Under.
[4] Not actually published. Rates indicated are those which would apply were present differentials over Brazil-Clinton and Linton-Sullivan groups maintained.

312

TARIFF AUTHORITY

1. C. B. & Q. R. R., I. C. C. No. 10171.
2. C. & E. I. Ry., I. C. C. No. 2576.
3. C. & E. I. Ry., I. C. C. No. 2824.
4. C. B. & Q. R. R., I. P. U. C. No. 13, Supplement No. 46.
5. I. C. R. R., I. C. C. No. E-1422.
6. I. C. R. R., I. C. C. No. E-1422, Supplement No. 2.
7. I. C. R. R., I. C. C. No. E-1434.
8. C. & E. I. Ry., I. C. C. No. 2824, Supplement No. 40.
9. Sou. Ry., I. C. C. No. C-1885.
10. C. & E. I. Ry., I. C. C. No. 3070, Supplement No. 11.
11. Sou. Ry., I. C. C. No. C-1885, Supplement No. 9.
12. C. & E. I. Ry., I. C. C. No. 3070, Supplement No. 15.
13. C. & E. I. Ry., I. C. C. No. 8, Supplement No. 2.
14. Sou. Ry., I. C. C. No. C-1885, Supplement No. 24.
15. C. & E. I. Ry., I. C. C. No. 163.
16. Sou. Ry., I. C. C. No. C-2060, Supplement No. 4.
17. C. & E. I. Ry., Ill. C. C. No. 209, Supplement No. 22-A.
18. C. & E. I. Ry., I. C. C. No. 263.
19. Sou. Ry., I. C. C. No. C-2060, Supplement No. 40.
20. Sou. Ry., I. C. C. No. C-2060, Supplement No. 49.
21. Sou. Ry., I. C. C. No. C-2150.

95952—34——14

313 *Exhibit 34*

*Recapitulation of detailed statement showing the average distance from all mines in the Springfield Group to Rockford, Illinois, via shortest tariff routes. (See note 1)*

[Rates are stated in cents per ton of 2,000 pounds]

| Roads | Number of origins | Total miles | Average mileage | Route | Present rate | Percent of H. & H. scale |
|---|---|---|---|---|---|---|
| Alton | 20 | 4,865.7 | 243.3 | A | 170 | 66.6 |
| B. & O. | 6 | 1,487.4 | 247.9 | B | 170 | 66.6 |
| C. & E. I. | 5 | 1,485.5 | 297.1 | C | 170 | 59.4 |
| C. & I. M. | 7 | 1,573.9 | 224.8 | D | 170 | 70.6 |
| C. & N. W. | 14 | 3,263.6 | 233.1 | E | 170 | 68.5 |
| C. B. & Q. | 6 | 1,673.4 | 278.9 | F | 170 | 62.2 |
| C. S. & St. L. | 2 | 394.4 | 197.2 | G | 170 | 77.6 |
| C. C. C. & St. L. | 6 | 1,731.3 | 288.6 | H | 170 | 60.9 |
| I. C. | 9 | 1,789.9 | 198.6 | I | 170 | 77.6 |
| I. T. | 8 | 2,229.9 | 278.7 | J | 170 | 62.2 |
| L. & M. | 3 | 821.9 | 273.9 | K | 170 | 62.2 |
| N. Y. C. & St. L. | 4 | 1,123.7 | 280.9 | L | 170 | 60.9 |
| P. R. R. | 1 | 250.8 | 250.8 | M | 170 | 65.1 |
| S. T. | 1 | 201.2 | 201.2 | N | 170 | 75.1 |
| Wabash | 8 | 2,148.8 | 268.6 | O | 170 | 63.7 |
| Average | 100 | 25,041.4 | 250.4 | ..... | 170 | 66.1 |

See page 208 for explanation of tariff authorities, routes, and references.

314 *Detailed statement showing the average distance from all mines in the Springfield District to Rockford, Illinois, via shortest tariff routes.*

| From— | Distance | Route |
|---|---|---|
| Alton Railroad: | | |
| Auburn | 250.3 | Alton Peoria, C. & N. W. |
| Carlinville | 273.5 | Do. |
| Chatham | 244.2 | Do. |
| Girard | 260.5 | Do. |
| Green Ridge | 262.4 | Do. |
| Greenview | 216.1 | Do. |
| Lefton | 248.9 | Do. |
| Lincoln | 221.9 | Alton Custer, R. T. & N.; Granville, C. M. St. P. & P. |
| Middletown | 213.3 | Alton Peoria, C. & N. W. |
| Nilwood | 264.2 | Do. |
| Panther Creek | 248.0 | Do. |
| Petersburg | 223.9 | Do. |
| Schoper | 273.0 | Do. |
| Selbytown | 229.6 | Do. |
| Sherman | 227.3 | Do. |
| Springfield | 234.8 | Do. |
| Tallula | 231.1 | Do. |
| Thayer | 254.1 | Do. |
| Virden | 256.7 | Do. |
| Williamsville | 231.9 | Do. |
| Total miles | 4,865.7 | |
| Average | 243.3 | |
| B. & O. R. R.: | | |
| Edinburg | 248.5 | B. & O., Bando, C. & N. W. |
| Keys | 238.2 | Do. |
| Pana | 273.6 | Do. |
| Pleasant Plains | 238.7 | Do. |
| Springfield | 230.9 | Do. |
| Taylorville | 257.5 | Do. |
| Total miles | 1,487.4 | |
| Average | 247.9 | |
| 315 C. & E. I. R. R.: | | |
| Hillsboro | 303.2 | C. & E. I. Momence, C., M. St. P. & P. |
| Livingston | 323.7 | Do. |
| Nokomis | 289.0 | Do. |
| Pana | 275.9 | Do. |
| Witt | 293.7 | Do. |
| Total miles | 1,485.5 | |
| Average | 297.1 | |

*Detailed statement showing the average distance from all mines in the Springfield District to Rockford, Illinois, via shortest tariff routes*—Continued

| From— | Distance | Route |
|---|---|---|
| C. & I. M. Ry.: | | |
| Auburn | 216.0 | C. & I. M. Cimic, I. C., Mendota, C. M. St. P. & P. |
| Callaway | 227.4 | Do. |
| Humphrey | 222.1 | Do. |
| Kincaid | 224.1 | Do. |
| Taylorville | 232.0 | Do. |
| Springfield | 229.9 | C. & I. M. Barr, C. & N. W. |
| Andrews | 222.4 | Do. |
| Total miles | 1,573.9 | |
| Average | 224.8 | |
| C. & N. W. Ry.: | | |
| Allen | 193.2 | C. & N. W. direct. |
| Archer | 230.2 | Do. |
| Barr | 217.3 | Do. |
| Compro | 844.1 | Do. |
| Cons. Coal Co. # 4 | 284.5 | Do. |
| Girard | 254.3 | Do. |
| Green Valley | 186.1 | Do. |
| Hubley | 205.2 | Do. |
| Lick | 237.6 | Do. |
| Luther | 200.8 | Do. |
| Siding # 3 | 272.3 | Do. |
| Sweetwater | 214.0 | Do. |
| Virden | 250.2 | Do. |
| Henderson (W. Va. C. Co.) | 273.8 | |
| Total miles | 3,263.6 | |
| Average | 233.1 | |
| 316 C., B. & Q. R. R.: | | |
| Girard | 264.9 | C., B. & Q., Mendota, C., M., St. P. & P |
| Litchfield | 284.5 | Do. |
| Panama | 302.2 | Do. |
| Sorento | 298.2 | Do. |
| Thayer | 262.6 | Do. |
| Virden | 261.0 | Do. |
| Total miles | 1,673.4 | |
| Average | 278.9 | |
| C., S. & St. L. Ry.: | | |
| Citizens mine A | 197.2 | C., S. & St. L., Springfield, I. C., Mendota, C., M., St. P. & P. |
| Citizens mine B | 197.2 | Do. |
| Total miles | 394.4 | |
| Average | 197.2 | |
| C., C., C. & St. L. Ry.: | | |
| Bethalto | 295.1 | C., C., C. & St. L., Gillespie, C. & N. W. |
| Hillsboro | 270.0 | C., C., C. & St. L., Pana., I. C. |
| Livingston | 291.0 | Do. |
| Moro | 294.1 | C., C., C. & St. L., Gillespie, C. & N. W. |
| Nokomis | 256.0 | C., C., C. & St. L., Pana., I. C. |
| Pana | 325.1 | C., C., C. & St. L., Gillespie, C. & N. W. |
| Total miles | 1,731.3 | |
| Average | 288.6 | |
| I. C. R. R.: | | |
| Assumption | 196.8 | I. C., Mendota, C., M., St. P. & P. |
| Bissell | 192.2 | Do. |
| Decatur | 173.7 | Do. |
| Divernon | 212.7 | Do. |
| Lincoln | 174.3 | Do. |
| Mt. Olive | 247.8 | Do. |
| Mowequa | 189.4 | Do. |
| Pana | 205.9 | Do. |
| Springfield | 197.1 | Do. |
| Total miles | 1,789.9 | |
| Average | 198.8 | |

*Detailed statement showing the average distance from all mines in the Springfield District to Rockford, Illinois, via shortest tariff routes*—Continued

| From— | Distance | Route |
|---|---|---|
| 317 I. T. R. R.: | | |
| Auburn | 260.7 | I. T., Peoria, C. & N. W. Ry. |
| Carlinville | 284.5 | Do. |
| Dawson | 250.4 | Do. |
| Edwardsville | 316.8 | I. T., Mont, I. C. |
| Gillespie | 296.7 | I. T., Peoria, C. & N. W. Ry. |
| Springfield | 244.5 | Do. |
| Thayer | 265.2 | Do. |
| Worden | 311.1 | Do. |
| Total miles | 2,229.9 | |
| Average | 278.7 | |
| L. & M. Ry.: | | |
| Edwardsville | 270.0 | L. & M., Mt. Olive, I. C., Mendota, C., M., St. P. & P. |
| Staunton | 264.8 | Do. |
| Mt. Olive | 287.1 | L. & M., Mont, I. C. |
| Total miles | 821.9 | |
| Average | 273.9 | |
| N. Y. C. & St. L. Ry.: | | |
| Sorento | 251.7 | N. Y. C. & St. L., Ramsey, I. C., Mendota, C., M., St. P. & P. |
| Panama | 248.5 | Do. |
| Coffeen | 277.0 | Do. |
| Edwardsville | 364.5 | N. Y. C. & St. L., E. St. Louis, Alton, Peoria, C. & N. W. |
| Total miles | 1,123.7 | |
| Average | 280.9 | |
| P. R. R.: Decatur | 250.8 | Pennsylvania, Peoria, C. & N. W. |
| S. T. Ry.: Colliery | 201.2 | S. T., Springfield, I. C., Mendota, C., M., St. P. & P. |
| 318 Wabash Ry.: | | |
| Decatur | 228.2 | Wabash, Manhattan, C., M., St. P. & P. |
| Litchfield | 289.1 | Do. |
| Mt. Olive | 297.2 | Do. |
| Riverton | 260.1 | Do. |
| Springfield | 266.8 | Do. |
| Staunton | 302.9 | Do. |
| Stonington | 247.9 | Do. |
| Taylorville | 256.6 | Do. |
| Total miles | 2,148.8 | |
| Average | 268.6 | |

319

EXPLANATION OF ROUTES

A [1]—Alton, Peoria, C. & N. W.
B—B. & O. Bando., C. & N. W.
C—C. & E. I., Momence, C., M., St. P. & P.
D—C. & I. M., Cmlic., I. C., Mendota, C., M., St. P. & P.
E—C. & N. W., direct.
F—C. B. & Q., Mendota, C., M., St. P. & P.
G—C. S. & St. L., Springfield, I. C., Mendota, C., M., St. P. & P.
H [2]—C., C., C. & St. L., Gillespie, C. & N. W.
I—I. C., Mendota, C. M. St. P. & P.
J [3]—I. T., Peoria, C. & N. W.
K [4]—L. & M., Mt. Olive, I. C., Mendota, C., M., St. P. & P.
L—N. Y. C. & St. L., Ramsey, I. C., Mendota, C. M. St. P. & P.
M—P. R. R., Peoria, C. & N. W.
N—S. T., Springfield, I. C., Mendota, C., M., St. P. & P.
O—Wabash, Manhattan, C. M. St. P. & P.

TARIFF AUTHORITIES: (ILL. C. C. NUMBERS)

| Road | Mileages | Rates | Road | Mileages | Rates |
|---|---|---|---|---|---|
| Alton | 857 | 769 | I. T | 52 | 30 |
| C. & I. M | B-151 | B-152 | C. C. C. & St. L | 900 | 898 |
| C. & N. W | 590 | 636 | N. Y. C. & St. L | 137 | ..... |
| I. C | A-151 | E-122 | Wabash | 806 | 836 |
| C. M. St. P. & P | 367 | ..... | | | |

EXPLANATION OF NOTE 1

NOTE 1.—Each mine is used as many times as it is shown as an origin point on the different roads in the Springfield group.

[1] From Lincoln via Alton, Custer, R. T. & N., Granville, C., M., St. P. & P.
[2] From Hillsboro, Livingston, and Nokomis via C., C., C. & St. L. Pena., I. C.
[3] From Edwardsville via I. T. Mont., I. C.
[4] From Mt. Olive via L. & M., Benld., C. & N. W.

320 *Exhibit 35*

*Recapitulation of detailed statement showing the average distance from all mines in the Springfield Group to Freeport, Illinois, via shortest tariff routes. (See Note 1)*

[Rates are stated in cents per ton of 2,000 pounds]

| Roads | Number of origins | Total miles | Average mileage | Route | Present rate | Percent of H. & H. scale |
|---|---|---|---|---|---|---|
| Alton | 20 | 5,438.3 | 271.9 | A | 170 | 62.2 |
| B. & O | 6 | 1,655.4 | 275.9 | B | 170 | 62.2 |
| C. & E. I | 5 | 1,688.0 | 337.6 | C | 170 | 54.8 |
| C. & E. M | 7 | 1,676.9 | 239.6 | D | 170 | 68.5 |
| C. & N. W | 14 | 3,655.6 | 261.1 | E | 170 | 63.7 |
| C. B. & Q | 6 | 1,917.0 | 319.5 | F | 170 | 57.0 |
| C. S. & St. L | 2 | 413.0 | 206.5 | G | 170 | 75.1 |
| C. C. C. & St. L | 6 | 1,587.3 | 264.5 | H | 170 | 63.7 |
| I. C | 9 | 1,876.1 | 208.5 | I | 170 | 75.1 |
| I. T | 8 | 2,398.2 | 299.8 | J | 170 | 59.4 |
| L. & M | 3 | 868.3 | 289.4 | K | 170 | 60.9 |
| N. Y. C. & St. L | 4 | 1,179.3 | 294.8 | L | 170 | 59.4 |
| P. R. R | 1 | 278.8 | 278.8 | M | 170 | 62.2 |
| S. T | 1 | 210.5 | 210.5 | N | 170 | 72.9 |
| Wabash | 8 | 2,473.6 | 309.2 | O | 170 | 58.2 |
| Average | 100 | 27,316.3 | 273.2 | ---- | 170 | 62.6 |

For reference of notes, reference marks, and tariff authorities, also routes, see page 211

321 *Detailed statement showing the average distance from all mines in the Springfield Group to Freeport, Illinois, via shortest tariff routes*

| From— | Distance | Route |
|---|---|---|
| Alton R. R.: | | |
| Auburn | 278.3 | Alton, Peoria, C. & N. W. |
| Carlinville | 301.5 | Do. |
| Chatham | 272.2 | Do. |
| Girard | 288.5 | Do. |
| Green Ridge | 290.4 | Do. |
| Greenview | 244.1 | Do. |
| Lefton | 276.9 | Do. |
| Lincoln | 262.5 | Alton, Custer, R. T. & N.; Granville, C. M. St. P. & P. |
| Middletown | 241.3 | Alton, Peoria, C. & N. W. |
| Nilwood | 292.2 | Do. |
| Panther Creek | 276.0 | Do. |
| Petersburg | 251.9 | Do. |
| Schoper | 301.0 | Do. |
| Selbytown | 257.6 | Do. |
| Sherman | 255.3 | Do. |
| Springfield | 262.8 | Do. |
| Tallula | 259.1 | Do. |
| Thayer | 282.1 | Do. |
| Virden | 284.7 | Do. |
| Williamsville | 259.9 | Do. |
| Total miles | 5,438.3 | |
| Average | 271.9 | |
| B. & O. R. R.: | | |
| Pana | 301.6 | B. & O., Bando, Ill., C. & N. W. Ry. |
| Taylorville | 285.5 | Do. |
| Edinburg | 276.5 | Do. |
| Keys | 266.2 | Do. |
| Springfield | 258.9 | Do. |
| Pleasant Plains | 266.7 | Do. |
| Total miles | 1,655.4 | |
| Average | 275.9 | |
| 322 C. & E. I. Ry.: | | |
| Hillsboro | 343.7 | C. & E. I. Momence, C. M. St. P. & P. |
| Livingston | 364.2 | Do. |
| Nokomis | 329.5 | Do. |
| Pana | 316.4 | Do. |
| Witt | 334.2 | Do. |
| Total miles | 1,688.0 | |
| Average miles | 337.6 | |

*Detailed statement showing the average distance from all mines in the Springfield group to Freeport, Illinois, via shortest tariff routes*—Continued

| From— | Distance | Route |
|---|---|---|
| C. & I. M. Ry.: | | |
| Auburn | 225.4 | C. & I. M., Clinic, Illinois, I. C. R. R. |
| Callaway | 236.8 | Do. |
| Humphrey | 231.5 | Do. |
| Kincaid | 233.5 | Do. |
| Taylorville | 241.4 | Do. |
| Springfield | 257.9 | C. & I. M., Barr, Illinois, C. & N. W. Ry. |
| Andrews | 250.4 | Do. |
| Total miles | 1,676.9 | |
| Average | 239.6 | |
| C. & N. W. Ry: | | |
| Allen | 221.2 | C. & N. W. direct. |
| Archer | 258.2 | Do. |
| Barr | 245.3 | Do. |
| Compro | 272.1 | Do. |
| Cons. Coal Co. # 4 | 312.5 | Do. |
| Girard | 282.3 | Do. |
| Green Valley | 214.1 | Do. |
| Hubley | 233.2 | Do. |
| Lick | 265.6 | Do. |
| Luther | 228.8 | Do. |
| Siding # 3 | 300.3 | Do. |
| Sweetwater | 242.0 | Do. |
| Virden | 278.2 | Do. |
| Henderson (W. Va. C. Co.) | 301.8 | Do. |
| Total miles | 3,685.6 | |
| Average | 261.1 | |
| 323 C. B. & Q. Ry.: | | |
| Girard | 305.5 | C., B. & Q., Mendota, C. M. St. P. & P. |
| Litchfield | 325.1 | Do. |
| Panama | 342.8 | Do. |
| Sorento | 338.8 | Do. |
| Thayer | 303.2 | Do. |
| Virden | 301.6 | Do. |
| Total miles | 1,917.0 | |
| Average | 319.5 | |
| C. S. & St. L. Ry.: | | |
| Citizens Mine A | 206.5 | C. S. & St. L., Springfield I. C. |
| Citizens Mine B | 206.5 | Do. |
| Total miles | 413.0 | |
| Average | 206.5 | |
| C. C. C. & St. L. Ry.: | | |
| Bethalto | 274.8 | C. C. C. & St. L., Gillespie, C. & N. W. |
| Hillsboro | 242.3 | C. C. C. & St. L., Pana, I. C. |
| Livingston | 263.3 | Do. |
| Moro | 273.8 | C. C. C. & St. L., Gillespie, C. & N. W. |
| Nokomis | 228.3 | C. C. C. & St. L., Pana, I. C. |
| Pana | 304.8 | C. C. C. & St. L., Gillespie, C. & N. W. |
| Total miles | 1,587.3 | |
| Average | 264.5 | |
| I. C. R. R.: | | |
| Assumption | 206.1 | I. C. direct. |
| Bissell | 201.5 | Do. |
| Decatur | 183.0 | Do. |
| Divernon | 224.8 | Do. |
| Lincoln | 183.6 | Do. |
| Mt. Olive | 257.1 | Do. |
| Mowequa | 198.7 | Do. |
| Pana | 215.3 | Do. |
| Springfield | 206.5 | Do. |
| Total miles | 1,876.1 | |
| Average | 208.5 | |

*Detailed statement showing the average distance from all mines in the Springfield Group to Freeport, Illinois, via shortest tariff routes*—Continued

| From— | Distance | Route |
|---|---|---|
| 324 I. T. R. R.: | | |
| Auburn | 288.7 | I. T., Peoria, C. & N. W. |
| Carlinville | 312.5 | Do. |
| Dawson | 278.4 | Do. |
| Edwardsville | 289.1 | I. T., Mont., I. C. |
| Gillespie | 324.7 | I. T., Peoria, C. & N. W. |
| Springfield | 272.5 | Do. |
| Thayer | 293.2 | Do. |
| Worden | 339.1 | Do. |
| Total miles | 2,398.2 | |
| Average | 299.8 | |
| L. & M. Ry.: | | |
| Edwardsville | 270.2 | L. & M., Mt. Olive, I. C. |
| Staunton | 274.0 | Do. |
| Mt. Olive | 315.1 | L. & M., Benld, C. & N. W. |
| Total miles | 868.3 | |
| Average | 289.4 | |
| N. Y. C. & St. L. Ry.: | | |
| Sorento | 260.7 | N. Y. C. & St. L., Ramsey, I. C. |
| Panama | 257.7 | Do. |
| Coffeem | 286.2 | Do. |
| Edwardsville | 374.5 | N. Y. C. & St. L., E. St. Louis, Alton, Peoria, C. & N. W. |
| Total miles | 1,179.3 | |
| Average | 294.8 | |
| P. R. R.: Decatur | 278.8 | Pennsylvania, Peoria, C. & N. W. |
| S. T. Ry.: Colliery | 210.5 | S. T. Ry., Springfield, I. C. |
| 325 Wabash Ry.: | | |
| Decatur | 268.8 | Wabash, Manhattan, C. M. St. P. & P. |
| Litchfield | 329.7 | Do. |
| Mt. Olive | 337.8 | Do. |
| Riverton | 300.7 | Do. |
| Springfield | 307.4 | Do. |
| Staunton | 343.5 | Do. |
| Stonington | 288.5 | Do. |
| Taylorville | 297.2 | Do. |
| Total miles | 2,473.6 | |
| Average | 309.2 | |

326

EXPLANATION OF ROUTES

A—Alton, Peoria, C. & N. W.[1]
B—B. & O., Bando, C. & N. W.
C—C. & E. I., Momence, C. M. St. P. & P.
D—C. & I. M., Cimic, I. C.
E—C. & N. W., direct.
F—C. B. & Q., Mendota, C. M. St. P. & P.
G—C., S. & St. L., Springfield, I. C.
H—C. C. C. & St. L., Gillespie, C. & N. W.[2]
I—I. C.
J—I. T., Peoria, C. & N. W.[3]
K—L. & M., Mt. Olive, I. C.[4]
L—N. Y. C. & St. L., Ramsey, I. C.
M—P. R. R., Peoria, C. & N. W.
N—S. T., Springfield, I. C.
O—Wabash, Manhattan, C. M. St. P. & P.

TARIFF AUTHORITIES (ILL. C. C. NUMBERS)

| Road | Mileages | Rates | Road | Mileages | Rates |
|---|---|---|---|---|---|
| Alton | 857 | 769 | I. T. | 52 | 30 |
| C. & I. M. | B-151 | B-152 | C. C. C. & St. L. | 900 | 898 |
| C. & N. W. | 590 | 636 | N. Y. C. & St. L. | 137 | ------ |
| I. C. | A-1, 151 | E-122 | Wabash | 806 | 836 |
| C. M. St. P. & P. | 367 | ------ | | | |

EXPLANATION OF NOTE 1

NOTE 1.—Each mine is used as many times as it is shown as an origin point on the different roads in the Springfield group.

[1] From Lincoln via Alton, Custer R. T. & N., Granville, C. M. St. P. & P.
[2] From Hillsboro, Livingston, and Nokomis, C. C. C. & St. L., Pana, I. C.
[3] From Edwardsville via I. T. Mont., I. C.
[4] From Mt. Olive via L. & M., Benld., C. & N. W.

327

## *Exhibit 36*

*Statement showing distances via shortest tariff route, from mines in the Springfield group, to Rockford, Illinois, using each point of origin but once*

| From— | Miles | Rate | Percent of H. & H. scale | Ton-mile earnings | Route |
|---|---|---|---|---|---|
| Andrews | 222.4 | 170 | 70.5 | 7.6 | A |
| Auburn | 216.0 | 170 | 72.9 | 7.8 | B |
| Callaway | 227.4 | 170 | 70.5 | 7.4 | B |
| Carlinville | 273.5 | 170 | 62.3 | 6.2 | C |
| Decatur | 177.7 | 170 | 83.3 | 9.9 | D |
| Edwardsville | 270.0 | 170 | 63.6 | 6.3 | E |
| Gillespie | 322.9 | 170 | 55.9 | 5.3 | F |
| Hillsboro | 270.0 | 170 | 63.6 | 6.3 | G |
| Humphrey | 222.1 | 170 | 70.5 | 7.5 | B |
| Kincaid | 224.1 | 170 | 70.5 | 7.6 | B |
| Lincoln | 174.3 | 170 | 83.3 | 9.7 | D |
| Livingston | 291.0 | 170 | 59.4 | 5.8 | G |
| Mt. Olive | 247.8 | 170 | 66.5 | 6.8 | D |
| Mowequa | 189.4 | 170 | 80.6 | 8.9 | D |
| Nokomis | 256.0 | 170 | 65.1 | 6.7 | G |
| Pana | 205.9 | 170 | 75.2 | 8.3 | D |
| Panama | 248.5 | 170 | 66.5 | 6.9 | H |
| Panther Creek | 248.0 | 170 | 66.5 | 6.8 | C |
| Riverton | 260.1 | 170 | 65.1 | 6.5 | I |
| Schoper | 273.0 | 170 | 62.3 | 6.2 | C |
| Sherman | 227.3 | 170 | 70.5 | 7.5 | C |
| Springfield | 197.1 | 170 | 77.5 | 8.6 | D |
| Staunton | 264.8 | 170 | 63.6 | 6.4 | E |
| Taylorville | 232.0 | 170 | 68.5 | 7.2 | B |
| Thayer | 254.1 | 170 | 65.1 | 6.7 | C |
| Virden | 256.1 | 170 | 65.1 | 6.6 | C |
| Average | 240.3 | 170 | 68.5 | 7.0 | |

328

EXPLANATION OF ROUTES

A—C. & I. M. Barr C. & N. W.
B—C. & I. M. Cimic I. C. Mendota C. M. St. P. & P.
C—Alton Peoria C. & M. W.
D—I. C. Mendota C. M. St. P. & P.
E—L. & M. Mt. Olive I. C. Mendota C. M. St. P. & P.
F—I. T. Peoria C. & N. W.
G—C. C. C. & St. L. Pana I. C.
H—N. Y. C. & St. L. Ramsey I. C. Mendota C. M. St. P. & P.
I—Wabash Manhattan C. M. St. P. & P.

TARIFF AUTHORITIES: (ILL. C. C. NUMBERS)

| Road | Mileages | Rates | Road | Mileages | Rates |
|---|---|---|---|---|---|
| Alton | 857 | 769 | I. T | 52 | 30 |
| C. & I. M | B-151 | B-152 | C. C. C. & St. L | 900 | 898 |
| I. C | A-1151 | E-122 | N. Y. C. & St. L | 137 | ..... |
| C. M. St. P. & P | 367 | ..... | Wabash | 806 | 836 |

329

## *Exhibit 37*

*Statement showing distances via shortest tariff route, from mines in the Springfield group to Freeport, Illinois, using each point of origin but once*

| From— | Miles | Rate | Percent of H. & H. scale | Ton-mile earnings | Route |
|---|---|---|---|---|---|
| Andrews | 250.4 | 170 | 66.5 | 6.8 | A |
| Auburn | 225.4 | 170 | 70.5 | 7.5 | B |
| Callaway | 236.8 | 170 | 68.5 | 7.2 | B |
| Carlinville | 301.5 | 170 | 59.4 | 5.6 | C |
| Decatur | 183.0 | 170 | 80.6 | 9.3 | D |
| Edwardsville | 279.2 | 170 | 62.3 | 6.1 | E |
| Gillespie | 324.7 | 170 | 55.9 | 5.3 | F |
| Hillsboro | 242.3 | 170 | 66.5 | 7.0 | G |
| Humphrey | 231.5 | 170 | 68.5 | 7.3 | B |
| Kincaid | 233.5 | 170 | 68.5 | 7.2 | B |
| Lincoln | 183.6 | 170 | 80.6 | 9.2 | D |
| Livingston | 263.3 | 170 | 63.6 | 6.4 | G |
| Mt. Olive | 257.1 | 170 | 65.1 | 6.6 | D |
| Mowequa | 198.7 | 170 | 77.5 | 8.5 | D |
| Nokomis | 228.3 | 170 | 70.5 | 7.4 | G |
| Pana | 215.3 | 170 | 72.9 | 7.9 | D |
| Panama | 257.7 | 170 | 65.1 | 6.6 | H |
| Panther Creek | 276.0 | 170 | 62.3 | 6.1 | C |
| Riverton | 300.7 | 170 | 59.4 | 5.6 | I |
| Schoper | 301.0 | 170 | 59.4 | 5.6 | C |
| Sherman | 255.3 | 170 | 65.1 | 6.6 | C |
| Springfield | 206.5 | 170 | 75.2 | 8.2 | D |
| Staunton | 274.0 | 170 | 62.3 | 6.2 | E |
| Taylorville | 241.4 | 170 | 66.5 | 7.1 | B |
| Thayer | 282.1 | 170 | 60.9 | 6.0 | C |
| Virden | 284.7 | 170 | 60.9 | 6.0 | C |
| Average | 251.3 | 170 | 65.1 | 6.7 | |

330

EXPLANATION OF ROUTES

A—C. & I. M. Barr C. & N. W.
B—C. I. & M. Cimic I. C.
C—Alton Peoria C. & N. W.
D—I. C. Direct.
E—L. & M. Mt. Olive I. C.
F—I. T. Peoria C. & N. W.
G—C., C., C. & St. L. Pana. I. C.
H—N. Y. C. & St. L. Ramsey I. C.
I—Wabash Manhattan C. M. St. P. & P.

TARIFF AUTHORITIES: (ILL. C. C. NUMBERS)

| Road | Mileage | Rates | Road | Mileage | Rates |
|---|---|---|---|---|---|
| C. & I. M | B-151 | B-152 | C. T | 52 | 30 |
| C. & N. W | 590 | 636 | C., C., C. & St. L | 900 | 898 |
| I. C | A-1151 | E-122 | N. Y. C. & St. L | 137 | ------ |
| Alton | 857 | 769 | Wabash | 806 | 836 |
| L. & M | 207 | ------ | C. M. St. P. & P | 367 | ------ |

331 *Exhibit 38*

*Statement showing distances via all tariff routes, present and proposed rates, and per cent of Holmes & Hallowell scale, from all mines in the Clinton-Brazil and Linton-Sullivan groups, as compared with Springfield group*

[Rates are stated in cents per ton of 2,000 pounds]

| From— | Distances via all short-tariff routes | | | | |
|---|---|---|---|---|---|
| | Distance | Rate | | % of H. & H. scale | |
| | | Present | Prop. | Present | Proposed |
| To Rockford: | | | | | |
| Brazil-Clinton | 274.9 | 187 | 170 | 68.6 | 62.5 |
| Linton-Sullivan | 294.5 | 192 | 175 | 67.1 | 61.2 |
| Springfield group | 250.4 | 170 | ---------- | 66.1 | ---------- |
| To Freeport: | | | | | |
| Brazil-Clinton | 309.3 | 187 | 170 | 64.0 | 58.2 |
| Linton-Sullivan | 329.6 | 192 | 175 | 63.1 | 57.5 |
| Springfield group | 273.2 | 170 | ---------- | 62.6 | ---------- |

332 *Exhibit 39. Malum*

*Statement showing distances via short tariff routes, using each point of origin but once; present and proposed rate and percent of Holmes & Hallowell scale, from Brazil-Clinton and Linton-Sullivan groups, as compared with Springfield group*

[Rates are stated in cents per ton of 2,000 pounds]

| From— | Using each point of origin but once | | | | |
|---|---|---|---|---|---|
| | Distance | Rate | | % of H. & H. scale | |
| | | Present | Proposed | Present | Proposed |
| To Rockford: | | | | | |
| Brazil-Clinton | 272.7 | 187 | 170 | 68.6 | 62.5 |
| Linton-Sullivan | 292.5 | 192 | 175 | 67.1 | 61.2 |
| Springfield group | 240.3 | 170 | ---------- | 68.5 | ---------- |
| Springfield proper | 197.1 | 170 | ---------- | 77.5 | ---------- |
| To Freeport: | | | | | |
| Brazil-Clinton | 307.3 | 187 | 170 | 64.0 | 58.2 |
| Linton-Sullivan | 328.0 | 192 | 175 | 63.1 | 57.5 |
| Springfield group | 251.3 | 170 | ---------- | 65.1 | ---------- |
| Springfield proper | 206.5 | 170 | ---------- | 75.2 | ---------- |

*Bituminous coal, carloads*

[Rates in cents per ton of 2,000 pounds]

| To | Freeport, Illinois | | | | | | Rockford, Illinois | | | | | | Chicago |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | Average distances via short tariff routes (miles) | Present rates | Present rates reduced 17¢ ton | H. & H. scale, 69 I. C. C. 18 | % present rates of H. & H. scale | % rates reduced 17¢ ton of H. & H. scale | Average distances via short tariff routes (miles) | Present rates | Present rates reduced 17¢ ton | H. & H. scale, 69 I. C. C. 18 | % present rates of H. & H. scale | % rates reduced 17¢ ton of H. & H. scale | Present rates |
| ILLINOIS GROUPS | | | | | | | | | | | | | |
| Northern Illinois | 130.8 | 100 | 83 | 175 | 57.1 | ---------- | 103.8 | 100 | 83 | 153 | 65.4 | ---------- | 120 |
| Springfield | 261.3 | 170 | 153 | 267 | 63.7 | ---------- | 234.1 | 170 | 153 | 248 | 68.5 | ---------- | 165 |
| Centralia | 332.2 | 190 | 173 | 310 | 61.3 | ---------- | 308.8 | 190 | 173 | 292 | 65.1 | ---------- | 165 |
| Belleville | 343.9 | 190 | 173 | 316 | 60.1 | ---------- | 341.1 | 190 | 173 | 316 | 60.1 | ---------- | 185 |
| DuQuoin | 313.6 | 195 | 178 | 298 | 65.4 | ---------- | 304.4 | 195 | 178 | 292 | 66.8 | ---------- | 185 |
| Southern Illinois | 384.3 | 200 | 183 | 340 | 58.8 | ---------- | 376.5 | 200 | 183 | 334 | 59.9 | ---------- | 195 |
| INDIANA GROUPS | | | | | | | | | | | | | |
| Brazil-Clinton | 304.3 | 187 | [1] 170 | 292 | 64 | 58.2 | 270.9 | 187 | [1] 170 | 273 | 68.5 | 62.3 | 155 |
| Linton-Sullivan | 337.0 | 192 | [1] 175 | 310 | 61.9 | 56.5 | 302.3 | 192 | [1] 175 | 292 | 65.8 | 59.9 | 165 |
| Princeton | 386.1 | 199 | 182 | 340 | 58.5 | ---------- | 369.0 | 199 | 182 | 328 | 60.7 | ---------- | 177 |
| Booneville | 396.9 | 202 | 185 | 346 | 58.4 | ---------- | 412.0 | 202 | 185 | 358 | 56.4 | ---------- | 180 |
| West Kentucky | 444.5 | 235 | 218 | 371 | 63.3 | ---------- | 451.5 | 235 | 218 | 383 | 61.4 | ---------- | 230 |

[1] Under suspension in I. & S. Dkt. 3843. Authority for distances, exhibit 285, I. C. C. Dkt. 23130. Tariff authorities: I. C. R. R. No. 3100-G, I. C. C. E-1710; C. & E. I. Ry. No. 100-B, I. C. C. 263; Sou. Ry. No. 809-F, I. C. C. C-2150. Rates shown herein are basic rates and do not include emergency charges per Ex parte 103. Illinois Central R. R., Commerce Bureau, Chicago, Illinois. February 8, 1933. K-1, I. & S. 3843.

334 *Exhibit 41. I. & S. Docket No. 3843*

*Bituminous coal, carloads*

[Rates in cents per ton of 2,000 pounds]

| From | To | Short line average distance (miles) | Present rates | H. & H. scale 69 I. C. C. 18 | % present rates of H. & H. scale | Rates under suspension | % suspended rate of H. & H. scale |
|---|---|---|---|---|---|---|---|
| C., M., St. P. & P. mines in Brazil-Clinton group. | Freeport, Ill... | 260 | 187 | 261 | 71.6 | 170 | 65.2 |
| I. C. R. R. mines in Springfield group. | Freeport, Ill... | 208 | 170 | 226 | 75.2 | ..... | ..... |
| C., M., St. P. & P. mines in Brazil-Clinton group. | Rockford, Ill.. | 231 | 187 | 248 | 75.4 | 170 | 68.5 |
| I. C. R. R. mines in Springfield group. | Rockford, Ill.. | 199 | 170 | 219 | 77.6 | ..... | ..... |

Present rates and distances taken from exhibits 1 and 2 attached to C., M., St. P. & P. Ry. answer to request for suspension dated Dec. 16, 1932.
Illinois Central R. R., Commerce Bureau, Chicago, Illinois. February 15, 1933. K-1 I. & S. 3843.

335 *Exhibit 42. I. & S. Docket No. 3843*

*Bituminous coal, carloads*

[Rates in cents per ton of 2,000 pounds]

| From | To | Average distances via short tariff routes (miles) | Rate under suspension | H. & H. scale, 69 I. C. C. 18 | % suspended rates of H. & H. scale | I. C. C. 23922 scale | % I. C. C. 23922 scale of H. & H. scale | Present rates | % present rates of H. & H. scale | % rates of I. C. C. 23922 scale |
|---|---|---|---|---|---|---|---|---|---|---|
| Brazil-Clinton group.... | Freeport, Ill..... | 304.3 | 170 | 292 | 58.2 | 223 | 76.4 | 187 | 64 | 83.9 |
| | Rockford, Ill..... | 270.9 | 170 | 273 | 62.3 | 207 | 75.8 | 187 | 68.5 | 90.3 |
| Linton-Sullivan group... | Freeport, Ill..... | 337.0 | 175 | 310 | 56.5 | 231 | 74.5 | 192 | 61.9 | 83.1 |
| | Rockford, Ill..... | 302.3 | 175 | 292 | 59.9 | 223 | 76.4 | 192 | 65.8 | 86.1 |

Distances taken from exhibit 285, I. C. C. Docket 23130.
Rates from C., M., St. P. & P. tariff GFD No. 15200-B, I. C. C. No. B-5133.
I. C. C. 23922 scale from mimeographed report decided January 24, 1933, progressed 8 cents for each 25-mile block over 300 miles.
Rates shown herein are basic rates and do not include emergency charges per Ex parte 103.
Illinois Central R. R., Commerce Bureau, Chicago, Illinois. February 8, 1933. K-1 I. & S. 3843.

336 *Exhibit 43. I. & S. Docket No. 3843*

*Statement showing number of tons of bituminous coal from mines in Illinois, Indiana, and West Kentucky received at Rockford, Illinois*

| From | 1929, number of tons | 1930, number of tons | 1931, number of tons | 1932, number of tons |
|---|---|---|---|---|
| GROUPS | | | | |
| Northern Illinois | 20,415 | 6,703 | 1,442 | 11,791 |
| Danville | | 159 | | |
| Fulton-Peoria | 687 | 3,189 | 3,900 | 2,332 |
| Springfield | 9,087 | 15,146 | 17,065 | 22,335 |
| Centralia | 901 | 138 | 445 | 57 |
| Belleville | 1,989 | 732 | 2,535 | 865 |
| DuQuoin | 2,818 | 1,481 | 6,254 | 9,540 |
| Southern Illinois | 259,270 | 182,233 | 140,906 | 110,761 |
| Total Illinois groups | 295,167 | 209,781 | 172,547 | 157,681 |
| Brazil-Clinton | 19,290 | 62,955 | 40,183 | 27,276 |
| Linton-Sullivan | 68,824 | 25,488 | 8,195 | 16,994 |
| Princeton | 4,186 | 13,401 | 6,733 | 43,794 |
| Booneville | 10,177 | 31,941 | 35,827 | 1,888 |
| Total Indiana groups | 102,477 | 133,785 | 90,938 | 89,952 |
| Western Kentucky | 56,804 | 28,419 | 13,472 | 21,222 |
| Grand total all groups | 454,448 | 371,985 | 276,957 | 268,855 |

Illinois Central R. R., Commerce Bureau, Chicago, Illinois. February 8, 1933. K-1 I. & S. 3843.

## *Exhibit 44. Waffle*

*Statement of shipments during calendar year 1931 from each southern Illinois mine via origin roads serving the mine*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mine operator | Mine no. | Origin road | Tons shipped | | | | | | Percent of total | | | | | |
| | | | C. & E. I. | C., B. & Q. | C., C., C. & St. L. | I. C. | Mo. Pac. | Total | C. & E. I. | C., B. & Q. | C., C., C. & St. L. | I. C. | Mo. Pac. | Total |
| Bell & Zoller Mining Company | 1 | 2-4-5 | | 350,700 | | 264,486 | 133,853 | 749,039 | | 47 | | 35 | 18 | 100 |
| Bell & Zoller Mining Company | 2 | 2-4-5 | | 311,616 | | 237,435 | 127,787 | 676,838 | | 46 | | 35 | 19 | 100 |
| Blue Bird Coal Company | | 3 | | | 167,903 | | | 167,903 | | | 100 | | | 100 |
| Carbon Fuel Company | | 2 | | 72,479 | | | | 72,479 | | 100 | | | | 100 |
| Brewerton Coal Company | 21 | 1-2-4 | 7,007 | 42,457 | | 20,923 | | 70,387 | 10 | 60 | | 30 | | 100 |
| Brewerton Coal Company | 22 | 2 | | 53,675 | | | | 53,675 | | 100 | | | | 100 |
| Carterville Coal Mining Company | | 5 | | | | | 2,900 | 2,900 | | | | | 100 | 100 |
| Carterville-Herrin Coal Company | | 2-4-5 | | 243,000 | | | | 243,000 | | 100 | | | | 100 |
| Chicago-Wilmington & Franklin Coal Co | 1 | 1-2-4-5 | 25,753 | 214,323 | | 89,504 | 88,306 | 417,886 | 7 | 51 | | 21 | 21 | 100 |
| Chicago-Wilmington & Franklin Coal Co | 2 | 1-2-4-5 | 57,930 | 505,108 | | 232,966 | 383,313 | 1,179,317 | 5 | 43 | | 20 | 32 | 100 |
| Chicago-Wilmington & Franklin Coal Co | A | 2-4-5 | | 25,530 | | 17,897 | 20,310 | 63,737 | | 40 | | 28 | 32 | 100 |
| City Lake Coal Company | | 2-5 | | 5,657 | | | 2,129 | 7,786 | | 73 | | | 27 | 100 |
| Consolidated Coal Company | 7 | 2-4-5 | | 78,165 | | 79,146 | 87,989 | 245,300 | | 32 | | 32 | 36 | 100 |
| Cosgrove-Meehan Coal Company | 1 | 2 | | 134,710 | | | | 134,710 | | 100 | | | | 100 |
| Cosgrove-Meehan Coal Company | 3 | 5 | | | | | 83,143 | 83,143 | | | | | 100 | 100 |
| Firebrand Fuel Company | | 3-6 | | | 3,463 | | | 3,463 | | | 100 | | | 100 |
| Franklin County Coal Company | 5 | 2-4-5 | | 220,105 | | 126,638 | 115,232 | 461,975 | | 48 | | 27 | 25 | 100 |
| Franklin County Coal Company | 7 | 2-4-5 | | 221,214 | | 83,079 | 97,424 | 401,717 | | 55 | | 21 | 24 | 100 |
| Freeman Coal Company | | 2-4 | | 16,495 | | 50,352 | | 66,847 | | 25 | | 75 | | 100 |
| Harrisburg Coal Mining Company | 9 | 3 | | | 16,447 | | | 16,447 | | | 100 | | | 100 |
| O'Gara Coal Company | 1 | 3 | | | 485,419 | | | 485,419 | | | 100 | | | 100 |
| O'Gara Coal Company | 3 | 3 | | | 199,408 | | | 199,408 | | | 100 | | | 100 |
| O'Gara Coal Company | 10 | 3-4 | | | 61,238 | 87,193 | | 148,431 | | | 41 | 59 | | 100 |
| O'Gara Coal Company | 12 | 3 | | | 24,213 | | | 24,213 | | | 100 | | | 100 |
| Ogmore Coal Company | | 4 | | | | 696 | | 696 | | | | 100 | | 100 |
| Old Ben Coal Corporation | 8 | 1-2-4-5 | 50,947 | 401,359 | | 65,308 | 257,982 | 775,596 | 7 | 52 | | 8 | 33 | 100 |
| Old Ben Coal Corporation | 11 | 2 | | 41,330 | | | | 41,330 | | 100 | | | | 100 |
| Old Ben Coal Corporation | 14 | 2-4-5 | | 413,753 | | 133,943 | 151,562 | 699,258 | | 59 | | 19 | 22 | 100 |
| Old Ben Coal Corporation | 15 | 1-2-4 | 54,834 | 445,222 | | 209,514 | | 709,570 | 8 | 63 | | 29 | | 100 |
| Old Ben Coal Corporation | 18 | 1-2-4-5 | 3,107 | 53,967 | | 21,492 | 45,378 | 123,944 | 2 | 44 | | 17 | 37 | 100 |
| Peabody Coal Company | 18 | 1-2-4 | 60,091 | 195,346 | | 52,208 | | 307,645 | 20 | 63 | | 17 | | 100 |
| Peabody Coal Company | 19 | 1-2-4 | 147,451 | 395,238 | | 95,730 | | 638,419 | 22 | 63 | | 15 | | 100 |
| Peabody Coal Company | 25 | 4 | | | | 188,101 | | 188,101 | | | | 100 | | 100 |
| Peabody Coal Company | 43 | 3 | | | 297,744 | | | 297,744 | | | 100 | | | 100 |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Peabody Coal Company | 47 | 3 | | | 454,919 | | | 454,919 | | | 100 | | | 100 |
| Puritan Coal Company | | 2 | | 5,792 | | | | 5,792 | | 100 | | | | 100 |
| Rex Coal Company | | 4 | | | | 205,123 | | 205,123 | | | | 100 | | 100 |
| Skaggs Coal Company | | 2-5 | | 3,244 | | | 2,124 | 5,368 | | 60 | | | 40 | 100 |
| Spillerton Coal Company | | 1 | 1,300 | | | | | 1,300 | 100 | | | | | 100 |
| Wallace Coal Company | | 5 | | | | | 88,521 | 88,521 | | | | | 100 | 100 |
| Wasson Coal Company | 1 | 3 | | | 318,139 | | | 318,139 | | | 100 | | | 100 |
| Wasson Coal Company | 2 | 3 | | | 22,159 | | | 22,159 | | | 100 | | | 100 |
| Total all mines | | | 408,420 | 4,450,485 | 2,051,052 | 2,261,734 | 1,687,953 | 10,859,644 | 4 | 41 | 19 | 21 | 15 | 100 |
| All joint mines | | | 407,120 | 4,142,499 | 61,238 | 1,867,814 | 1,513,389 | 7,992,060 | 5 | 52 | 1 | 23 | 19 | 100 |
| Mines joint with I. C | | | 407,120 | 4,133,598 | 61,238 | 1,867,814 | 1,509,136 | 7,978,906 | 5 | 52 | 1 | 23 | 19 | 100 |

Authority for tons shipped: Table 19, pages 65 and 66, Coal Report of Illinois for 1931.
Explanation of origin roads: 1—C. & E. I.; 2—C., B. & Q.; 3—C., C.; C. & St. L.; 4—I. C.; 5—Mo. Pac.; 6—B. & O.

338 COAL TRADE ASSOCIATION OF INDIANA,
*400 Opera House Block, Terre Haute, Indiana, March 1, 1933.*

GENTLEMEN: At the hearing in I. & S. 3843, Coal from Indiana to Illinois, held before Examiner Trezise at Chicago on February 20th, it was agreed that this intervener would submit in the form of an exhibit a list of the origin points in the Brazil-Clinton, Linton-Sullivan, central and southern Illinois groups from which the mileages were computed in exhibits 8 and 9.

Accordingly, we have prepared and are enclosing copy of the exhibit in question. Three copies have been furnished to the Commission.

Yours very truly,

JONAS WAFFLE, *Managing Director.*

Messrs.:
J. T. Averitt, C., M., St. P. & P. R. R., Union Station, Chicago.
R. B. Battey, C., B. & Q. R. R., 547 West Jackson Blvd., Chicago.
J. A. Behrle, Alton R. R., 340 W. Harrison Street, Chicago.
C. B. Cardy, 332 So. Michigan Avenue, Chicago.
John A. Connors, C. & E. I. Ry., 724 McCormick Building, Chicago.
Leo P. Day, N. Y. C. R. R., 525 La Salle Street Station, Chicago.
R. P. DeCamp, I. C. R. R., 135 East 11th Place, Chicago.
J. E. Flansburg, C. & N. W. Ry., 400 West Madison Street, Chicago.
Guy A. Gladson, 1400 First National Bank Building, Chicago.
L. F. Malum, 343 South Dearborn Street, Chicago.
C. B. Mather, P. O. Box 1006, Rockford, Illinois.
J. T. Quisenberry, I. C. R. R., 135 East 11th Place, Chicago.
W. E. Rosenbaum, 933 Cotton Belt Building, St. Louis, Mo.
George Shafer, Illinois Commerce Commission, Springfield, Ill.
O. L. Taylor, C., M., St. P. & P. R. R., 888 Union Station, Chicago.
W. Y. Wildman, 307 North Michigan Avenue, Chicago.

339 *List of origin points in Brazil-Clinton, Linton-Sullivan, central and southern Illinois from which mileages shown in exhibits nos. 8 and 9 were computed*

BRAZIL-CLINTON

| Initial carrier | Origin point | Initial carrier | Origin point |
|---|---|---|---|
| B. & O. | Brazil. | C. C. C. & St. L. | Fontanet. |
| | Coal Bluff. | | Griff. |
| | Mecca. | | St. Marys. |
| C. & E. I. | Brazil. | | Terre Haute. |
| | Clinton. | Penna. | Brazil. |
| | Ehrmandale. | | Centerpoint. |
| | Newport. | | Macksville. |
| | Terre Haute. | | Seelyville. |
| C. M. St. P. & P. | Blanford. | | Staunton. |
| | Bradshaw. | | Terre Haute. |
| | St. Bernice. | | Turner. |
| | West Clinton. | | |

*List of origin points in Brazil-Clinton, Linton-Sullivan, central, and southern Illinois from which mileages shown in exhibits nos. 8 and 9 were computed*—Cont.

LINTON-SULLIVAN

| Initial carrier | Origin point | Initial carrier | Origin point |
|---|---|---|---|
| C. & E. I. | Farmersburg. | | Latta. |
| | Hymera. | | Linton. |
| | Jackson Hill. | | Sullivan. |
| | Kolsem. | | Vicksburg. |
| | Mildred. | C. C. C. & St. L. | Clay City. |
| | Paxton. | | Coal City. |
| | Peerless. | | Daggett. |
| | Pimento. | | Riley. |
| | Reliance. | | Saline City. |
| | Seifert. | I. C. | Caledonia. |
| | Shelburn. | | Cass. |
| | Standard | | Dugger. |
| | Sullivan. | | Linton. |
| C. I. & L. | Clay City. | | Sullivan. |
| | Midland. | | Victoria. |
| | Vicksburg. | Penna. | Bicknell. |
| | Victoria. | | Bushrod. |
| C. M. St. P. & P. | Black Hawk. | | Edwardsport. |
| | Coalmont. | | South Linton. |
| | Hymera. | | Westphalia. |

CENTRAL ILLINOIS

| | | | |
|---|---|---|---|
| Alton | Auburn. | | W. Va. Coal Co., Henderson. |
| | Carlinville. | | |
| | Chatham. | C., B. & Q. | Girard. |
| | Girard. | | Litchfield. |
| | Green Ridge. | | Panama. |
| | Green View. | | Sorento. |
| | Lefton. | | Thayer. |
| | Lincoln. | | Virden. |
| | Middletown. | C., S. & St. L. | Citizen mine "A." |
| | Nilwood. | | Citizen mine "B." |
| | Panther Creek. | C., C., C. & St. L. | Bethalto. |
| | Petersburg. | | Henderson. |
| | Schoper. | | Hillsboro. |
| | Selbytown. | | Gillespie. |
| | Sherman. | | Livingston. |
| | Springfield. | | Maro. |
| | Tallula. | | Nokomis. |
| | Thayer. | | Witt. |
| | Virden. | I. C. | Assumption. |
| | Williamsville. | | Bissell. |
| 340 B. & O. | Keys. | | Decatur. |
| | Pana. | | Divernon. |
| | Pleasant Plains. | | Lincoln. |
| | Springfield. | | Mount Olive. |
| | Taylorville. | | Mowequa. |
| C. & E. I. | Hillsboro. | | Pana. |
| | Livingston. | | Springfield. |
| | Nokomis. | Ill. Term. | Auburn. |
| | Pana. | | Carlinville. |
| | Witt. | | Edwardsville. |
| C. & I. M. | Andrew. | | Gillespie. |
| | Athens. | | Riverton. |
| | Auburn. | | Springfield. |
| | Callaway. | I. & M. | Edwardsville. |
| | Humphrey. | | Staunton. |
| | Kincaid. | | Warden. |
| | Petersburg. | N. Y. C. & St. L. | Coffeen. |
| | Springfield. | | Panama. |
| | Taylorville. | | Sorento. |
| C. & N. W. | Allen. | Penna. | Decatur. |
| | Archer. | Spr. Term. | Colliery. |
| | Barr. | Wabash. | Edwardsville. |
| | Compro. | | Litchfield. |
| | Consolidated mine #14. | | Mt. Olive. |
| | Girard. | | Riverton. |
| | Green Valley. | | Springfield. |
| | Hubly. | | Staunton. |
| | Lick. | | Stonington. |
| | Luther. | | Taylorville. |
| | Siding no. 3. | | |
| | Sweetwater. | | |
| | Virden. | | |

*List of origin points in Brazil-Clinton, Linton-Sullivan, central, and southern Illinois from which mileages shown in exhibits nos. 8 and 9 were computed*—Cont.

SOUTHERN ILLINOIS

| Initial carrier | Origin point | Initial carrier | Origin point |
|---|---|---|---|
| C. & E. I. | Benton. | | Jeffries. |
| | Johnston City. | | Johnston City. |
| | Marion. | | Marion. |
| | Mt. Vernon. | | Oraville. |
| | Orient. | | Orient. |
| | Spillertown. | | Royalton. |
| | West Frankfort. | | Vergennes. |
| C., B. & Q. | Christopher. | | West Frankfort. |
| | Freeman. | | Zeigler. |
| | Herrin. | Mo. Pac. | Benton. |
| | Jeffries. | | Buckner. |
| | Orient. | | Bush-Hurst. |
| | Royalton. | | Christopher. |
| | Sesser. | | Clifford. |
| | West Frankfort. | | Energy mine 5. |
| | Zeigler. | | Freeman. |
| 341 C., C., C. & St. L. | Carrier Mills. | | Herrin. |
| | Eldorado. | | Jeffries. |
| | Harco. | | Johnston City. |
| | Harrisburg. | | Orient. |
| | Ledford. | | Royalton. |
| | Norris City. | | West Frankfort. |
| I. C. | Benton. | | Zeigler. |
| | Birkner's Spur. | | Black Briar. |
| | Buckner. | | Franco mine 2 and 3. |
| | Cambria. | | Keystone mine. |
| | Carterville. | | New Bruce mine. |
| | Christopher. | | Orchard mine. |
| | Clifford. | | Pittsburg. |
| | Eldorado. | | Mt. Vernon. |
| | Galatia. | | Tamaroa. |
| | Herrin. | | Waltonville. |

342 [Report and order of the commission omitted. Printed side page. 13 ante.]

344 ORDER

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 8th day of November, A. D. 1933.

Investigation and Suspension Docket No. 3843

Coal from Indiana to Illinois

It appearing, That by order dated December 22, 1932, the Commission entered upon a hearing concerning the lawfulness of the rates, charges, regulations, and practices stated in the schedules enumerated and described in said order, and suspended the operation of said schedules until July 23, 1933, and that subsequently respondent voluntarily postponed the effective date of the schedules until January 23, 1934.

It further appearing, That a full investigation of the matters and things involved has been had, and that said division, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and

made a part hereof, and has found that respondents have justified the schedules under suspension.

It is ordered, That the order heretofore entered in this proceeding, suspending the operation of said schedules, be, and it is hereby, vacated and set aside as of November 23, 1933, and that this proceeding be discontinued.

By the Commission, division 2.

[SEAL] GEORGE B. McGINTY,
*Secretary.*

346 Before the Interstate Commerce Commission

I. & S. Docket No. 3843

Coal from Indiana to Illinois

*Petition for rehearing, reargument and reconsideration before the entire Commission, and for an extension of the effective date of the order.*

Comes now the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, respondent in the above entitled proceeding, and respectfully petitions the Commission to reconsider the above proceeding and to grant a rehearing and reargument before the entire Commission on the record made and in support of said petition, respectfully shows:

Division 2 in its report and order of November 8, 1933, misconstrued the law and the statutes and erred in the following particulars, to wit:

1. Division 2 required the cancellation of the proposed
346a schedules for the reason that the respondent had not justified the proposed reduced rates on bituminous coal and under the law the burden of justifying proposed schedules is on the carrier only when increases are proposed and the carrier is not required to assume the burden of proof in justifying reduced rates.

2. Division 2 required the cancellation of the proposed rates without findings that the proposed rates were unlawful in violation of any section of the Interstate Commerce Act.

3. That there were no facts in the record which would justify a finding that the proposed rates were in violation of any section of the Interstate Commerce Act.

4. Division 2 required the cancellation of the proposed reduced rates on coal from mines on petitioner's line in Indiana to destinations in northern Illinois over the single line of the petitioner, which proposed rates are relatively higher, distance considered, than the rates in which the petitioner is required to join for the movement of coal from mines in Illinois to the same destinations in northern Illinois.

5. Division 2 required the cancellation of the proposed rates, not for the reason that said proposed rates were unlawful, but for the reason that other carriers serving mines in the same Indiana mining districts and other Indiana mining districts might for competitive reasons proposed reduced rates over circuitous two- and three-line routes to the same destinations.

346b 6. Division 2 required the cancellation of the proposed reduced rates and gave consideration only to average distance mileages from all mines in the Brazil-Clinton and Linton-Sullivan districts in Indiana via the routes of all carriers to Rockford and Freeport, the two most distant stations named in the proposed schedules, and ignored the evidence of the lesser distances to the other destinations and gave no consideration to the evidence of the distances to the several destinations via the petitioner's single line short routes, although only the rates from mines on the line of respondent in the named Indiana groups were before the division in the proceeding.

7. The order is arbitrary and not supported by substantial evidence.

Wherefore, petitioner prays that this cause be reconsidered and that a rehearing and a reargument before the entire Commission be granted on the record made, and that the Commission enter an order extending the effective date of the order in this proceeding dated November 8, 1933, until such time as the matters presented in this petition shall have been determined and that the Commission enter such further order or orders in the premises as to it may seem reasonable and just.

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY,

By ——— ———, *Its Attorneys.*

CHICAGO, ILLINOIS, *January 2, 1934.*

346c Argument in Support of Petition

By schedules filed to become effective on December 23, 1932, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, hereinafter called the "Respondent", proposed reduced rates on bituminous coal in carloads from mines on its line in the Brazil-Clinton and Linton-Sullivan origin groups in Indiana to thirty-eight destinations on its line in northern Illinois. Upon protest filed by the Illinois Commerce Commission, certain competing carriers serving mines in Illinois and individual operators and coal-mining organizations in Illinois, the schedules were suspended. By report and order of the Commission, division 2, dated November 8, 1933, the respondent was required to cancel the proposed schedules on or before January 22, 1934. We earnestly urge that said report and order were erroneous and arbitrary and should be set aside, and that an order should be entered permitting the proposed schedules to become effective.

I

The commission erred in requiring the respondent to assume the burden of proof in justifying the proposed reduced rates

Without a finding that the rates proposed were unlawful, in violation of any section of the Interstate Commerce Act, the report
346d concludes with the statement: "We find that the proposed schedules have not been justified." Clearly, the schedules were required to be canceled because, in the opinion of the division, the respondent had not met the burden of affirmatively showing that the rates proposed did not violate some section of the Interstate Commerce Act. No such burden is placed on the carrier by the statute when it proposes reduced rates.

Section 15, paragraph 7, of the Interstate Commerce Act reads in part as follows: "At any hearing involving a rate, fare, or charge increased after January 1, 1910, or of any rate, fare, or charge sought to be increased after the passage of this act, the burden of proof to show that the increased rate, fare, or charge, or proposed rate, fare, or charge is just and reasonable shall be upon the carrier, * * *." In all other cases the burden is upon the party making the attack on the rate. Anchor Coal Company v. United States, 25 Fed. (2nd) 462, at page 474; Atchison, Topeka & Santa Fe Railway Company v. United States, 279 U. S. 768, at page 773.

346e II

The order should be set aside as the commission failed to make findings that the proposed schedules of rates were in violation of the Interstate Commerce Act.

Section 15, paragraph 7, of the Interstate Commerce Act authorizes the Commission to suspend the proposed schedule of rates and "to enter upon a hearing concerning the lawfulness of such rate." The Commission is only empowered to require the cancellation of rates where they are shown to be unlawful, and the Commission cannot require schedules of rates to be canceled without a finding that the proposed rates are unreasonable, in violation of Section 1, or unlawful in violation of some other section of the act.

The Supreme Court has repeatedly commented on the necessity that the Commission make appropriate findings to support its order so that the parties and the courts, if called upon to review the order, will know upon what conclusions the Commission based its order, and can determine whether or not the Commission acted within its statutory authority.

In Florida v. United States, 282 U. S. 194, the Supreme Court reviewed an order of the Interstate Commerce Commission entered under Section 13, fixing rates on logs intrastate within Flor-

346f ida. The order was not accompanied by appropriate findings, and the Supreme Court through Mr. Justice Hughes, on page 215, said:

"The question is not merely one of the absence of elaboration or of a suitably complete statement of the grounds of the Commission's determination, to the importance of which this Court has recently adverted (The Beaumont, Sour Lake & Western Railway Company v. United States, ante, p. 74), but of the lack of the basic or essential findings required to support the Commission's order. In the absence of such findings, we are not called upon to examine the evidence in order to resolve opposing contentions as to what it shows or to spell out and state such conclusions of fact as it may permit. The Commission is the fact-finding body and the Court examines the evidence not to make findings for the Commission but to ascertain whether its findings are properly supported."

In Beaumont, Sour Lake & Western Railway Company v. United States, 282 U. S. 74, the court criticized the findings of the Commission and expressed the reason for the necessity of appropriate findings at page 86:

"The Commission's failure specifically to report the facts and give the reasons on which it concluded that under the circumstances the use of the average or group basis is justified leaves the parties in doubt as to a matter essential to the case and imposes unnecessary work upon the courts called upon to consider the validity of the order.

Complete statements by the Commission showing the grounds upon which its determinations rest are quite as necessary as are opinions of the courts setting forth the reasons on which they

346g base their decisions in cases analogous to this. Wichita R. R. v. Public Utilities Commission, 260 U. S. 48, 58. And we have recently emphasized the duty of such courts fully to state the grounds upon which they act. Virginian Ry. v. United States, 272 U. S. 658, 675; Lawrence v. St. Louis San Francisco Ry., 274 U. S. 588, 591–592; Arkansas Commission v. C. R. I. & P. Ry Co., 274 U. S. 597, 603; Hammond v. Schappi Bus Line, 275 U. S. 164, 171; Cleveland C. C. & St. L. Ry. Co. v. United States, 275 U. S. 404, 414; Baltimore & Ohio R. Co. v. United States, 279 U. S. 781, 787."

Mr. Justice Cordoza, in Norwegian Nitrogen Products Company v. United States, 288 U. S. 294, at page 319, expressed the rule governing regulatory bodies in fixing rates as follows:

"The 'hearing' that such Commission are to give must be adapted to the consequences that are to follow, to the attack and the review to which their orders will be subject. Interstate Commerce Commission v. Louisville & N. R. Co., 227 U. S. 88, 93, 57 L. Ed. 431, 434, 33 S. Ct. 185; United States ex rel. St. Louis S. W. R. Co. v. Interstate Commerce Commission, 264 U. S. 64, 68 L. Ed. 656, 44 S. Ct. 294; Atchison, T. & S. F. Ry. Co. v United States, 284 U. S. 248, 76 L. Ed. 273, 52 S. Ct. 146. The Commerce Act, as it stands today, and kindred statutes in the States, are instinct with the recognition of a

duty to give a hearing of such a kind that the courts will understand why a Commission has acted as it has if their supervisory powers are afterwards invoked for enforcement or revision."

346h The report in this proceeding contains no findings that the rates proposed were unlawful and there was no evidence in the record which would support such a finding had one been made. In the absence of evidence and appropriate findings the Commission is not empowered by statute to require the cancellation of the rates. The principle was clearly announced by the Supreme Court in Texas & Pacific Railroad Company v. United States, 77 L. Ed., page 1410, where the court says on page 1419:

"The evidence failed to show that the rates of the Texas & Pacific and the L. R. & N. on export and import shipments to and from New Orleans were not compensatory. The Commission refused to find that they were so low as to cast a burden on other traffic. There was therefore no basis for an order fixing minimum reasonable rates under sec. 15 (1) of the act."

The Commission fell into the error of requiring the rates to be canceled, not because they were found to be unlawful but because in the opinion of the Commission the respondent had not proved that the proposed rates were lawful.

346i III

The order of the Commission requires the respondent to move coal over its single line railway from mines on its railroad to the destinations in northern Illinois at rates which are relatively higher than those rates in which it is required to join in the movement of coal from mines in Illinois to the same destinations

The order is arbitrary and unlawful in that it requires the respondent to move coal from mines located on its railroad to the destinations named at rates which, distance considered, are relatively higher than those rates in which it is required under an order of the Illinois Commerce Commission to join in the movement of coal from Illinois mines to the same destinations. This Commission in Intrastate Rates on Bituminous Coal in Illinois, 182 I. C. C. 537, refused to require the Illinois rates to be increased. The result is that the shippers of coal from mines on the respondent's line in Indiana are required to pay relatively higher rates than those which the respondent assesses for the movement of coal over its line from mines in Illinois to the same destinations. The Commission cannot require the carriers to do that which they could not lawfully do voluntarily. Texas & Pacific Ry. Co. v. United States, 77 L. Ed., page 1410, at page 1422.

346j The order is further void in that it deprives the respondent of the right to move coal over its line in competition with other carriers transporting coal from other mining districts to the same destinations. The Commission cannot arbitrarily deprive a carrier of its right to meet competition.

The court said in Texas & Pacific Ry. Co. v. United States, 77 L. ed. 909, at page 1421:

"As the carriers are in competition for the business they may within zone of reasonableness prescribed by statute, adjust their rates so as to obtain or retain desired traffic for their own lines."

In this proceeding without any finding that the rates proposed are not "within the zone of reasonableness prescribed by statute", the Commission denies this respondent of its right to meet competition in the movement of coal.

IV

The Commission required the cancellation of the proposed schedules, not because they were unlawful, but because some other carriers serving Indiana mining districts might propose reduced rates over circuitous two- and three-line routes which would be "below the reasonable level of rates in the territory"

The Supreme Court has repeatedly held that where a hearing is authorized by the statute the Commission must determine the
346k case on the evidence offered at the hearing. There was no evidence that any other carrier serving Indiana mines would reduce its rates in order to compete with respondent in the transportation of coal. The evidence indicated that the respondent transported from 95 to 99 percent of the coal moving from the named Indiana groups to Rockford and Freeport, and that the tonnage moved by other carriers was inconsequential.

Certainly the respondent should not be denied the right of transporting coal over its single line from mines on its railroad in the Clinton district to Rockford, a distance of 231 miles, simply because the Pennsylvania Railroad could not economically at the same rate transport coal from its mines in the Brazil-Clinton district to Rockford, a distance of 332 miles via the Pennsylvania and the Illinois Central Railroads. The respondent is entitled to its geographical advantage, and competing carriers in the territory should only be permitted to compete at the same rate when they can do so profitably over their circuitous routes (exhibit 8). The fear that other carriers might for competitive reasons attempt to establish unreasonably low rates is not supported by any evidence in the record, and the record affirmatively shows that as to many of the destinations, to-wit: Forreston, Byron, Davis Junction, Kirkland, and Genoa, the carriers do not now publish uniform rates from the named Indiana groups (exhibit 8).

346l Certainly the assumption on the part of the Commission not supported by any evidence that other carriers might for competitive reasons propose unduly low rates, is no justification for an order requiring the proposed rates to be canceled in the absence of a finding that the proposed rates are unlawful. The Commission has within its power to pass upon the lawfulness of proposed rates when

they are published. Division 2 said: "While it may be, as the Milwaukee states, that the rate situation as between the two Indiana groups and the Illinois groups is in need of correction. * * * We are convinced that any change in the present relationships in the Indiana-Illinois adjustment to these northern Illinois destinations should not be undertaken in the piecemeal manner here proposed."

The respondent has no control over the rate which other carriers serving Indiana mines may desire to establish. The only way the respondent can protect its interests and its traffic is by proposing rates which, in its judgment, are necessary to move the traffic. If these rates are not unduly low or unduly high, or otherwise unlawful, they should be permitted to become effective.

346m

V

The division gave consideration only to average distances from all mines in the two Indiana districts via all routes to Rockford and Freeport, and ignored the evidence as to the distances from the mines on the respondent's railway in Indiana to the thirty-eight destinations named

The division considered only average distances from all mines in the named Indiana groups to Rockford and Freeport, the most distant destinations named in the proposed schedules. This appears from sheets 3 and 4 of the mimeographed report. The Commission had before it only the rates from mines on the respondent's line to the destinations named, and in determining the lawfulness of the rates, the Commission should properly consider the mileage and distances involved in the movement of this coal, and the lawfulness of the proposed rates could not properly be determined by ignoring that evidence and using average distances over routes from all mines in the origin groups to only two of the named destinations.

346n

VI

The order of the Commission is arbitrary and not supported by substantial evidence

We respectively submit that the order requiring the cancellation of the proposed schedules was not supported by substantial evidence. In addition to other facts herein pointed out the division commented upon exhibit 43, introduced by the Illinois Central Railroad Company, which contained figures showing numbers of tons of bituminous coal moved from mines in Illinois, Indiana, and west Kentucky to Rockford, Illinois, during the years 1929, 1930, 1931, and 1932. The exhibit was criticized by the respondent in that it was claimed that it was incorrect. The Commission declined to accept the criticism of the respondent without a more definite showing. The facts, however, as shown by the exhibit are these: That in 1930 the total tonnage of coal moved to Rockford from the named origins was 371,985

tons, and in 1932, 268,855 tons, or a reduction of more than 25 percent. The figures further show that the total tonnage of coal moved from Illinois mines to Rockford in 1930 was 209,781 tons and in 1932, 157,681 tons, or a reduction of about the same amount in percentage; while the total tonnage from the Brazil-Clinton and Linton-Sullivan groups to Rockford during the year 1930 was 88,443 tons, and the total tonnage from the two Indiana groups to Rockford during the year 1932 was 44,270 tons, or a reduction of approximately 50 percent.

346o Certainly if exhibit no. 43 has any value, it shows that the two groups in Indiana from which the respondent moves coal have been placed under some disadvantage since 1930, the year the Illinois rates were reduced.

CONCLUSION

We respectfully urge that the Commission reconsider this proceeding and grant a reargument and that the order entered herein be set aside and that an order be entered authorizing the proposed schedules to become effective.

Respectfully submitted.

J. N. DAVIS,
C. L. TAYLOR,
*Attorneys for the Respondent.*

CHICAGO, ILLINOIS, *January 2, 1934.*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing petition for rehearing, reargument, and reconsideration, and argument in support thereof, upon all parties of record in this proceding, by mailing a copy thereof, properly addressed to each party.

Dated this 30 day of December 1933.

C. L. TAYLOR,
*Of Counsel.*

347 ORDER

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 5th day of January, A. D. 1934

Investigation and Suspension Docket No. 3843

Coal from Indiana to Illinois

*Order postponing effective date*

Upon further consideration of the record in the above-entitled proceeding, and upon consideration of that part of petition of respondent for rehearing, reargument, and reconsideration by which postponement of the effective date of the order is sought:

It is ordered, That the effective date of the corrected order entered in this proceeding of November 8, 1933, be, and it is hereby, postponed from January 22, 1934, to February 22, 1934.

By the Commission, division 2.

[SEAL] GEORGE B. McGINTY,
*Secretary.*

348 ORDER

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of February, A. D. 1934

Investigation and Suspension Docket No. 3843

Coal from Indiana to Illinois

*Order denying petition for rehearing, etc.*

Upon further consideration of the record in the above-entitled proceeding, and of petition of respondent for rehearing, reargument, and reconsideration;

It is ordered, That the said petition be, and it is hereby, denied.

By the Commission.

[SEAL] GEORGE B. McGINTY,
*Secretary.*

349 In United States District Court

[Title omitted.]

*Notice of appeal*

Filed August 6, 1934

*To The Chicago, Milwaukee, St. Paul & Pacific Railroad Company and Binkley Coal Company, et al., plaintiffs:*

Please take notice that, pursuant to the statutes and rules of court in such case made and provided, the United States of America, defendant, the Interstate Commerce Commission, The Illinois Central Railroad Company, Chicago, Burlington & Quincy Railroad Company, The Alton Railroad Company, and L. W. Baldwin and Guy A. Thompson, trustees of the Missouri Pacific Railroad Company, intervening defendants, in the above-entitled cause, and each of them, do hereby appeal to the Supreme Court of the United States from the final order and decree of the District Court made and entered on the 21st day of June 1934, which set aside, annulled, suspended, and permanently enjoined a certain order of the Interstate Com-
350 merce Commission in the proceeding entitled "I. & S. Docket 3843, Coal from Indiana to Illinois", filed April 18, 1934, wherein the Commission refused to permit the Milwaukee Railroad to establish the reduced rates therein provided for.

August 6, 1934.

Dwight H. Green, United States Attorney; Harold M. Stephens, Assistant Attorney General; Elmer B. Collins, Special Assistant to the Attorney General, for the United States of America. Daniel W. Knowlton, E. M. Reidy, for the Interstate Commerce Commission. H. H. Larimore, Walter McFarland, Guy A. Gladson, Elmer A. Smith, J. T. Quisenberry, for intervening railroad, defendants.

Service of the foregoing notice of appeal and the receipt of a copy thereof are hereby acknowledged this 16th day of August, 1934.

CARSON L. TAYLOR,
*Solicitor for Chicago, Milwaukee, St. Paul & Pacific Railroad Company, Plaintiff.*

E. B. WILKINSON,
*Attorney for Binkley Coal Company et al., Interveners.*

351 In United States District Court

*Notice to Attorney General of the State of Illinois*

Filed August. 6. 1934

To the Honorable OTTO KERNER,
*Attorney General of the State of Illinois:*

Pursuant to Urgent Deficiencies Act of October 23. 1913. 38 Stat. 221, you are hereby notified that the defendant, United States of America, and the Interstate Commerce Commission, the Illinois Central Railroad Company, Chicago, Burlington & Quincy Railroad Company, The Alton Railroad Company, and L. W. Baldwin and Guy A. Thompson, Trustees of the Missouri Pacific Railroad Company, intervening defendants, in the above-entitled cause, have taken an appeal to the Supreme Court of the United States from the final decree of the United States District Court, entered June 21, 1934, and the order allowing the appeal makes the same returnable within forty days from the date thereof.

352 Dwight N. Green, United States Attorney; Harold M. Stephens, Assistant Attorney General; Elmer B. Collins, Special Assistant to the Attorney General; for the United States of America. Daniel W. Knowlton, E. M. Reidy, for Interstate Commerce Commission. H. H. Larimore, Walter McFarland, Guy A. Gladson, Elmer A. Smith, J. T. Quisenberry, for intervening railroad defendants.

Service of a copy of the foregoing notice is hereby acknowledged this 18th day of July, 1934.

OTTO KERNER,
*Attorney General,*
*State of Illinois.*

353 In United States District Court

[Title omitted.]

*Petition for appeal*

Filed August 6, 1934

The United States of America, defendant, the Interstate Commerce Commission, The Illinois Central Railroad Company, Chicago, Burlington & Quincy Railroad Company, The Alton Railroad Company, and L. W. Baldwin and Guy A. Thompson, Trustees of the Missouri Pacific Railroad Company, intervening defendants, in the above-entitled cause, feeling themselves aggrieved by the final decree of the District Court of the United States for the Northern District of Illinois, Eastern Division, entered in said Court June 21, 1934, pray an appeal from said decree to the Supreme Court of the United States.

The particulars wherein they consider the decree erroneous are set forth in the assignment of errors, accompanying this petition and to which reference is hereby made.

354 Said defendants pray that a transcript of record, proceedings and papers on which said decree was made and entered, duly authenticated, be transmitted forthwith to the Supreme Court of the United States.

Dated August 6, 1934.

Dwight H. Green, United States Attorney; Harold N. Stephens, Assistant Attorney General; Elmer B. Collins, Special Assistant to the Attorney General; for the United States of America. Daniel W. Knowlton, E. M. Reidy, for the Interstate Commerce Commission. H. H. Larimore, Walter McFarland, Guy A. Gladson, Elmer A. Smith, J. T. Quisenberry, for intervening railroad defendants.

355 In United States District Court

[Title omitted.]

*Assignment of errors*

Filed August 6, 1934

Now come the United States of America, defendant, and Interstate Commerce Commission, the Illinois Central Railroad Company, Chicago, Burlington & Quincy Railroad Company, The Alton Railroad Company, and L. W. Baldwin and Guy A. Thompson, Trustees of the Missouri Pacific Railroad Company, intervening defendants, in the above-entitled cause, by their respective counsel and in connection with their appeal, file the following assignment of errors upon which they will rely in the prosecution of their appeal

to the Supreme Court of the United States from the final decree of this court entered June 21, 1934.

The District Court erred:

(1) In holding and deciding that the order of the Interstate Commerce Commission of November 8, 1933, as affirmed by the order of April 18, 1934, is not supported by substantial evidence.

(2) In holding and deciding that there was no substantial evidence in the record to justify a finding by the Interstate
356 Commerce Commission that the rates proposed were unlawful in violation of the Interstate Commerce Act.

(3) In holding that there was no evidence to show that the proposed rates in and of themselves are unreasonable.

(4) In holding and deciding that there is no evidence in the record that the present rate structure is fair or that it is reasonable; no evidence that its disruption would necessarily lead to the introduction of unfair or unreasonable rates.

(5) In holding and deciding that there is no evidence that the proposed rates of the Milwaukee will interfere with adequate and efficient railway service.

(6) In holding and deciding that there is nothing in Section 15a (2) of the Interstate Commerce Act, as amended by the Emergency Railroad Transportation Act, 1933, "authorizing the Commission to establish rates above a reasonable minimum for one railroad merely to enable another railroad in the group not so well situated, to earn a fair return, even if the Act of 1920, did so provide."

(7) In holding and deciding that there is no evidence in the record that the proposed rates of the Milwaukee if allowed to stand will so affect the earning capacity of any other railroad.

(8) In finding that the order of the Interstate Commerce Commission here attacked is unfair and discriminates against the plaintiff.

(9) In not holding and deciding that the Commission's order of November 8, 1933, as amended by its order of April 18, 1934, is supported by substantial evidence.

357 (10) In not holding and deciding that there was substantial evidence in the record to justify a finding by the Interstate Commerce Commission that the rates proposed were unlawful in violation of the Interstate Commerce Act.

(11) In entering a decree setting aside the order of the Interstate Commerce Commission and enjoining the enforcement of said order.

(12) In not dismissing the bill of complaint.

Dated August 6, 1934.

Dwight H. Green, United States Attorney; Harold M. Stephens, Assistant Attorney General; Elmer B. Collins, Special Assistant to the Attorney General, for the United States of America. Daniel W. Knowlton, E. M. Reidy, for Interstate Commerce Commission. H. H. Larimore, Walter McFarland, Guy A. Gladson, Elmer A. Smith, J. T. Quisenberry, for intervening railroad defendants.

358 In United States District Court

[Title omitted.]

*Order allowing appeal*

Aug. 6, 1934

In the above-entitled cause, the United States of America, defendant, and the Interstate Commerce Commission, the Illinois Central Railroad Company, Chicago, Burlington & Quincy Railroad Company, the Alton Railroad Company, and L. W. Baldwin and Guy A. Thompson, trustees of the Missouri Pacific Railroad Company, intervening defendants, having made and filed their petition praying an appeal to the Supreme Court of the United States from the final decree of this court in this cause entered June 21, 1934, and having also made and filed an assignment of errors, and a statement of jurisdiction, and having in all respects conformed to the statutes and rules of court in such case made and provided, it is

Ordered and decreed that the appeal be, and the same is hereby, allowed as prayed for.

WALTER C. LINDLEY,
*United States District Judge.*

Dated August 6, 1934.

359 In United States District Court for the Northern District of Illinois, Eastern Division

In Equity, No. 13726

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY, PLAINTIFF

*v.*

UNITED STATES OF AMERICA, DEFENDANT

*Summons and severance*

Filed August 6, 1934

*To the Chicago & Illinois Midland Railway Company:*

You are hereby invited to join with the United States, defendant, Interstate Commerce Commission, Illinois Central Railroad Company, Chicago, Burlington & Quincy Railroad Company, the Alton Railroad Company, and L. W. Baldwin and Guy A. Thompson, trustees of the Missouri Pacific Railroad Company, intervening defendants, in an appeal to the Supreme Court of the United States which they will seasonably prosecute from the final decree of the District Court entered June 21, 1934, setting aside, annulling, and

enjoining the enforcement of the order of the Interstate Commerce Commission in the proceeding entitled I. & S. Docket No. 3843, Coal from Indiana to Illinois, in the above-entitled cause, in which you are an intervening defendant.

In the event of your failure to join, the United States, Interstate Commerce Commission, Illinois Central Railroad Company, Chicago, Burlington & Quincy Railroad Company, the Alton Railroad
360 Company, and L. W. Baldwin and Guy A. Thompson, trustees of the Missouri Pacific Railroad Company, will prosecute the appeal for the reversal of said final decree of the District Court without joining you.

August 6, 1934.

Dwight H. Green, United States Attorney; Harold M. Stephens, Assistant Attorney General; Elmer B. Collins, Special Assistant to the Attorney General; for the United States of America. Daniel W. Knowlton, E. M. Reidy, for the Interstate Commerce Commission. H. H. Larimore, Walter McFarland, Guy A. Gladson, Elmer A. Smith, John T. Quisenberry, for intervening railroad defendants.

Service of the foregoing summons and severance and the receipt of a copy thereof are hereby acknowledged this ' day of August 1934.

J. T. QUISENBERRY,
*Attorney for Chicago & Illinois Midland Railway Company.*

361 In United States District Court for the Northern District of Illinois, Eastern Division

No. 13726

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY
*vs.*
UNITED STATES OF AMERICA, THE ALTON RAILROAD CO.

Bill to set aside order of Interstate Commerce Commission.

For Plaintiff: O. W. Dynes, M. L. Bluhm, C. L. Taylor.

For Defendants: Dwight H. Green, U. S. Atty., Gallagher, Rinaker, Wilkinson & Hall—For Intervening Petitioners: Winston, Strawn & Shaw, J. T. Quisenberry, E. A. Smith & Walter McFarland, Daniel W. Knowlton & J. Stanley Payne.

| Month, day, year | Filings—Proceedings |
|---|---|
| Feb. 14, 1934 | Filed bill of complaint and copies. |
| " 14, " | Application for preliminary or interlocutory injunction set for hearing February 21, 1934, 10 a.m., before Judges Evans, Barnes, & Holly; draft; Barnes, J. |
| " 14, " | Filed security for costs. |
| " 20, " | Filed notice. |
| " 20, " | Leave to file intervening petition on behalf of the Binkley Mining Co. et al.; Barnes, J. |
| " 20, " | Filed intervening petition of the Binkley Mining Co. et al. & copy. |
| " 21; " | Filed notice. |

| Month, day, year | Filings—Proceedings |
|---|---|
| Feb. 21, 1934 | By agreement application for preliminary and interlocutory injunction continued to March 15, 1934, without further notice; draft; Judges Evans, Barnes, & Holly. |
| Mar. 9, " | Filed notice. |
| " 9, " | Filed petition the Alton Railroad Co. for leave to intervene. |
| " 9, " | Leave to the Alton Railroad Co. to file intervening petition and become party defendant; 6 days to plead; draft; Barnes, J. |
| " 15, " | Filed notice. |
| " 15, " | By order of court application for temporary injunction continued to April 10, 1934, 10 a.m.; Judges Evans, Barnes, and Holly. |
| " 15, " | Filed answer of the Alton Railroad Co. and copy. |
| 362 Mar. 15, 1934 | Filed intervention of Interstate Commerce Commission. |
| Mar. 15, 1934 | Filed petition of Illinois Central Railway Co., Chicago & Illinois Midland Railway Co., Chicago, Burlington & Quincy Railway Co., L. W. Baldwin and Guy A. Thompson, trustees of Missouri Pacific Railway Co. for leave to intervene. |
| " 15, " | Filed answer of United States of America and copies. |
| " 24, " | Filed answer and copy of Illinois Central Railway Co., Chicago & Illinois Midland Railway Co., Chicago, Burlington & Quincy Railway Co., and L. W. Baldwin and Guy A. Thompson, trustees of Missouri Pacific Railway Co. |
| Apr. 10, " | By agreement motion for interlocutory injunction continued to April 20, 1934, without further notice; draft; Evans, Barnes, & Holly. |
| " 20, " | Cause called for trial; evidence heard and concluded; arguments heard and concluded; and advisement. Parties to file suggested findings of fact and conclusions of law and briefs. Defendants granted 10 days to file their suggested findings of fact and conclusions of law and brief; enter interlocutory injunction; draft; Evans, Barnes and Holly, judges. |
| " 30, " | Filed brief for United States and Interstate Commerce Commission. |
| " 30, " | Filed brief and argument on behalf of intervening defendant railroads. |
| May 3, " | Filed defendant's findings of fact and conclusions of law. |
| " 5, " | Filed answer of Interstate Commerce Commission. |
| " 11, " | Filed amended answer of Interstate Commerce Commission. |
| June 13, " | Filed memorandum of court. |
| " 13, " | Enter findings of fact and conclusions of law; draft; Judges Evans, Barnes, and Holly. |
| " 14, " | Filed copy of decision from appeal to United States Supreme Court. |
| " 14, " | Filed brief for United States and Interstate Commerce Commission. |
| " 14, " | Filed defendant's findings of fact and conclusions of law. |
| April 30, " | Filed briefs and argument on behalf of intervening railroad defendants. |
| June 14, " | Filed brief and argument on behalf of plaintiff. |
| " 14, " | Filed supplemental brief on behalf of plaintiff. |
| " 14, " | Filed reply brief for plaintiff. |
| " 14, " | Filed brief and argument on behalf of Binkley Mining Co. at al. |
| 363 June 14, 1934 | Filed findings of fact and conclusions of law submitted by Binkley Mining Co. et al. |
| Mar. 21, 1934 | Enter final decree; interlocutory injunction entered April 20, 1934, made permanent and United States and Interstate Commerce Commission permanently restrained from enforcing order of Interstate Commerce Commission; draft; Judges Evans, Barnes, and Holly. |
| Aug. 6, " | Filed notice of appeal. |
| " 6, " | Filed petition of United States and intervening railroads for appeal. |
| " 6, " | Order allowing appeal; draft; Lindley, J. |
| " 6, " | Filed assignment of errors. |
| " 6, " | Filed citation on appeal. |
| " 6, " | Filed praecipe for transcript of record. |
| " 6, " | Filed notice to attorney general of Illinois. |
| " 6, " | Filed notice. |
| " 6, " | Filed summons and severance. |
| " 6, " | Filed statement as to jurisdiction on appeal. |
| " 6, " | Filed stipulation re transcript of record. |
| " 6, " | Filed stipulation re supplemental pleadings. |
| " 6, " | Order approving narrative statement of evidence; draft; Lindley, J. |
| " 6, " | Filed narrative statement of evidence. |

363a

## In United States District Court

[Title omitted.]

*Praecipe for transcript of record*

Filed Aug. 6, 1934

*To the Clerk:*

Please prepare a transcript of the record in the above-entitled cause for the purposes of the appeal herein filed and allowed, including therein the following papers and proceedings, to wit:

1. Notice of filing of bill of complaint and that hearing on application for interlocutory injunction has been set at Chicago, Ill., February 21, 1934.

2. Bill of complaint and exhibit A thereto attached.

3. Order of court of February 21, continuing hearing until March 15, 1934.

4. Petition of February 20, 1934, of Binkley Coal Company for leave to intervene as plaintiff.

5. Answer of United States, filed March 15, 1934.

6. Intervention of Interstate Commerce Commission, filed March 15, 1934.

6a. Order designating Judge Lindley as district judge.

364 7. Amended answer of Interstate Commerce Commission and appendix 1 thereto attached, filed May 11, 1934.

8. Petition of Illinois Central Railroad Company et al., filed March 15, 1934, for leave to intervene as parties defendant, and order of court allowing such intervention.

9. Answer of Illinois Central Railroad Company et al., filed March 24, 1934.

10. Petition of Alton Railroad Company for leave to intervene as a party defendant.

11. Order of court allowing such intervention.

12. Answer of Alton Railroad Company, filed March 15, 1934.

13. Order of court fixing hearing on April 20, 1934.

14. Order for interlocutory injunction, dated April 20, 1934.

15. Stipulation filed August 6, 1934, re supplemental pleadings.

16. All appropriate docket entries in their proper order.

17. Opinion of district court, filed June 13, 1934.

18. Findings of fact and conclusions of law, filed June 13, 1934.

19. Final decree, entered June 21, 1934.

365 20. Stipulation of August 6, 1934, including narrative of testimony and other documents that were submitted to the Commission and introduced in the district court, and order approving the stipulation. These other documents consist of:

(a) Protest of Illinois Coal Traffic Bureau, filed December 13, 1932;

(b) Protest of the Consolidated Coal Company of St. Louis, filed December 14, 1932;

(c) Protest of Springfield, Illinois, Coal Traffic Bureau, filed December 15, 1932;

(d) Order of Interstate Commerce Commission dated December 22, 1932, instituting the investigation;

(e) Transcript of the stenographer's notes of the hearing held February 20 and 21, 1933, at Chicago, Ill., before Examiner Trezise, and of the exhibits filed at said hearing. (Not to be printed in full, but to be reduced to narrative form pursuant to equity rule 75);

(f) Petition for rehearing, reargument, and reconsideration before the entire Commission and for an extension of the effective date of the order, filed January 3, 1934;

(g) Order of Commission entered January 5, 1934, postponing effective date of order from January 22, to February 22, 1934;

(h) Order of Commission entered February 5, 1934, denying petition for rehearing, reargument, and reconsideration;

(i) Order of Commission entered February 20, 1934, postponing the effective date of its order until April 23, 1934;

(j) Order of Commission entered March 7, 1934, reopening the proceeding for reargument before it.

21. Petition for appeal.

22. Notice of appeal and acknowledgment of service.

23. Assignment of errors.

24. Summons and severance.

366 25. Order allowing appeal.

26. Notice to attorney general of the State of Illinois.

27. Citation on appeal.

28. Statement of jurisdiction of Supreme Court, together with notice and acknowledgment of service.

29. Praecipe for record.

Dwight H. Green, United States Attorney; Harold H. Stephens, Assistant Attorney General; Elmer B. Collins, Special Assistant to the Attorney General; for the United States of America. Daniel W. Knowlton, E. M. Reidy, for the Interstate Commerce Commission. H. H. Larimore, Walter McFarland, Guy A. Gladson, Elmer A. Smith, J. T. Quisenberry, for intervening railroad defendants.

367 [Clerk's certificate to foregoing transcript omitted in printing.]

368, 369 [Citation in usual form showing service on C. L. Taylor and E. B. Wilkinson filed Aug. 1934, omitted in printing.]

370 In Supreme Court of the United States

*Statement of points to be relied upon and designation of the record to be printed*

Filed Sept. 14, 1934

Come now the appellants and say that they will rely on the following points in brief and oral argument before this Court on their appeal in the above-entitled cause:

1. The Interstate Commerce Commission, in hearing and deciding the issues raised in the proceedings before it, proceeded pursuant to authority vested in it by Congress and in discharge of an administrative duty validly imposed upon it.

2. There was substantial evidence to support the findings and order of the Commission.

3. The District Court erred in holding and deciding that there is nothing in section 15a (2) of the Interstate Commerce Act, as

amended by the Emergency Railroad Transportation Act, 1933, authorizing the Commission to establish rates above a reasonable minimum for one railroad merely to enable another railroad in the group not so well situated, to earn a fair return, even if the Act of 1920, did so provide."

370a 4. The District Court erred in holding that the order of the Commission is unfair and discriminates against appellees.

5. The District Court exceeded its proper authority and judicial function in entering upon a determination, upon conflicting evidence, of the fact questions presented in the case before the Commission and thus usurped the administrative functions of the Commission.

6. The action of the Commission was not arbitrary or otherwise in disregard of its duty, and did not exceed the authority duly conferred upon it by statute.

7. The findings of the Commission were sufficient to justify its order, and being based upon substantial evidence and within the authority duly conferred upon the Commission by statute, its order should have been sustained by the District Court.

Appellants further state that the entire record in this cause as filed in this Court is necessary for consideration of the points set forth above.

Angus D. MacLean, Acting Solicitor General; Harold M. Stephens, Assistant Attorney General; Elmer B. Collins, Special Assistant to the Attorney General; for the United States of America. Daniel W. Knowlton, E. M. Reidy, for the Interstate Commerce Com-
370b mission. H. H. Larimore, Walter McFarland, Guy A. Gladson, Elmer A. Smith, J. T. Quisenberry, for intervening railroad defendants.

Service of a copy of the foregoing "Statement of points to be relied upon and designation of the record to be printed" acknowledged this 31st day of August, 1934.

O. W. DYNES,
M. L. BLUHM,
J. N. DAVIS,
C. L. TAYLOR,
*For plaintiffs-appellees.*
GALLAGHER, RINAKER, WILKINSON & HALL,
For BINKLEY COAL COMPANY ET AL.,
*Intervening Coal Operators in Indiana.*

370c [File endorsement omitted.]

File No. 39,007. D. C. U. S., N. Illinois. Term No. 379. The United States of America, the Interstate Commerce Commission, the Illinois Central Railroad Company, et al., appellants, vs. Chicago, Milwaukee, St. Paul & Pacific Railroad, Binkley Coal Company, et al. Filed September 14, 1934. File No. 379 O. T. 1934.

U. S. GOVERNMENT PRINTING OFFICE: 1934